

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-2059 ^B _{pl}

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JOSEPH LUNZ,

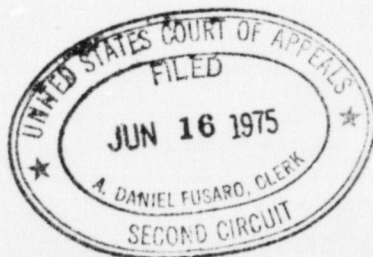
Plaintiff-Appellee,

PETER PREISER, Commissioner of the
Department of Correctional Services,
JEROME W. PATTERSON, Superintendent,
Eastern New York Correctional Facility,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK

APPENDIX



LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants-
Appellants
Office and P.O. Address
Two World Trade Center
New York, New York 10047
Tel. 488-3447

3

PAGINATION AS IN ORIGINAL COPY

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208-1	75	0139	01	13	75	3	550	1								Injunction	0842			

<p style="text-align: center;">PLAINTIFFS</p> <p>LUNZ, JOSEPH</p>	<p style="text-align: center;">DEFENDANTS</p> <p>PREISER, PETER, Commissioner of the Dept. Of Correctional Services, PATTERSON, JEROME W. , Supt. Eastern New York Correctional Facility</p> <p style="font-size: 2em; margin-top: 20px;">4/1/75</p>
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CAUSE

Civil Rights- Declaratory Judgment

LN

ATTORNEYS

<p>Joseph Lunz (Pro se) Box 618 Auburn N.Y. 13022</p>	<p>Louis J. Lefkowitz, atty. Gen. 2 World Trade Center, NYC 10047 488 3447</p>
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75-2059

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
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UNITED STATES DISTRICT COURT DOCKET DC-111 (Rev. 1)

PRO SE

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

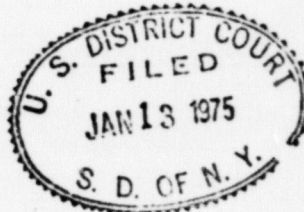
JUDGE WYATT

JOSEPH LUNZ, Plaintiff

75 OCT. 13 1974

-v-

ETER PREISER, Commissioner of the
Department of Correctional Services,
EROME W. PATTERSON, Superintendent
Eastern New York Correctional Facility.
Defendants



Upon reading the annexed affidavit of Joseph Lunz
requesting that he be permitted to file his
complaint without
prepayment of fees or costs or security therefor, and it
appearing to the Court that this application should be
granted, it is

ORDERED, that he be and hereby is permitted to
proceed in forma pauperis without prepayment of fees or
costs or security therefor, in accordance with Title 28,
United States Code, Section 1915(a).

Date: New York, N.Y.

December 23, 1974.

Wm. J. J. J.
Chief U. S. J. J.

75-0189

Lunz, Joseph vs Preiser, Peter et ano

75-0139

DATE	NR.	PROCEEDINGS	Judge Wyatt
01-13-75		Filed Complaint & Issued Summons.	
01-13-75		Filed Order Permitting Pltff. To Proceed In Forma Pauperis, Without Prepayment Of Fees..... Edelstein, CH. J:	
01-13-75		Filed pltff's notice of motion for a declaratory judgment.	
02-19-75		Filed Summons & marshal ret. Served: Peter Preiser Commissioner of the Dept. of Correctional Services on 2/3/75, & Jerome W. Patterson Supt. of Eastern NY Correctional Facility on 2/5/75.	
03-03-75	12	Filed Memo. End. on Application for Entry of Default. Pltffs. motion for default judgment is granted & the Clerk is directed to enter final judgment. Etc. The Clerk is directed to mark this action closed. So Ordered Wyatt J. (mailed notice) Judgment Entered 3/4/75. Clerk	
03-07-75		Filed Defts. affidavit and notice of motion for an order setting aside the Default judgment. ret. 3/21/75.	
03-19-75		Filed Traverse by Joseph Lunz.	
03-24-75		Filed Memo. End. on motion dtd. 3/7/75. Motion denied. Wyatt J. (mailed notice)	
03-31-75		Filed Dfts. affidavit and notice of motion for an order for a Stay of the Judgment order. ret 4/11/75.	
04-01-75		Filed Defts'. notice of appeal from the order denying defts'. motion to open a default judgment entered in this action on 3-21-75. Mailed copy to Joseph Lunz, Box 618, Auburn, N.Y. 13022 by Pro Se Clerk.	

A TRUE COPY
 HANDED TO THE CLERK
 BY *M. G. Smith*
 CLERK

United States District Court

FOR THE

JUDGE WYATT

SOUTHERN DISTRICT OF NEW YORK

65 Civ. 139

CIVIL ACTION FILE NO. _____

JOSEPH LUNZ

Plaintiff

v.

PETER PREISER, Commissioner of the
Department of Correctional Services
JEROME W. PATTERSON, Superintendent
Auburn Correctional Facility

Defendant

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon Joseph Lunz #65884

[REDACTED]

Pro Se

plaintiff's attorney, whose address

Box 618
Auburn Correctional Facility
Auburn N.Y. 13022

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

RAYMOND F. BURGHARDT

[Signature] Clerk, Court.
Deputy Clerk.

Date: JAN 13 1975

[Seal of Court]

(NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.)

AUBURN CORRECTIONAL FACILITY

Write on this stub except your name and number
and the address of correspondent.
Let the head must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary ☐

Check here if new
Address is permanent ☐

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

Name Attorney General of the State of New York
Street & No. 80 Centre Street
City New York State N.Y. 10013
(ZIP CODE)

135 STATE STREET
AUBURN, N. Y. (13022)

Date October 18, 1974

State of New York } ss.:
County of Cayuga }

Affidavit of Service

Joseph Lunz, being duly sworn, deposes and says:

That on the 18 day of October, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, six (6) copies of the enclosed: - Forma Pauper's Affidavit; Notice of Motion; Affidavit; Affidavit of Civil Rights Complaint; 84 Exhibits; and Affidavit of Service, with instructions to forward same via first class mail, certified mail - Return Receipt Requested, as directed below:

Six (6) copies to:

Federal Southern District Court of New York
United States Court House - Foley Square
New York, N.Y. 10007

Yours Truly,

Subscribed and sworn to before me
this 18 day of October, 1974,

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

Joseph Lunz
Plaintiff, Pro-Se
Auburn Correctional Facility
Box 618 - # 65854
Auburn, N.Y. 13022

5 cc

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL _____

United States District Court
Southern District of New York

In the Matter of Joseph Lunn,
Plaintiff,

vs.

Peter Preiser, Commissioner of the
Department of Correctional Services, and
Jerome W. Patterson, Superintendent of the
Eastern New York Correctional Facility,
Defendants.

Forma Pauperis Affidavit
pursuant to Title 28, Section 1915

State of New York } ss:
County of Cayuga }

Unsworn Declaration:

Joseph Lunn, being duly sworn, deposes and says:

That the above named plaintiff request that the attached Affidavit of Civil Rights Complaint application be acted upon gratis. Plaintiff does not have the means to proceed in forma pauperis, for consideration by this court made pursuant to Section 1915, Title 28 of the United States Code of Law. Plaintiff cannot pay such cost or offer security thereof. Plaintiff's civil rights complaint is taken in meritorious and good faith, and plaintiff feels and believes that he is entitled to redress and relief with therein, because his constitutional and civil were violated. He is being deprived of the due process of law and the equal protection of the laws.

Plaintiff further relates that he is without funds and without counsel in the above entitled action; that he does not possess stocks, bonds, or real estates insurance, or other assets whereby he could raise sufficient funds for this action.

Respectfully submitted,

(OVER) 6 cc

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

⊗ Name _____
Street & No. _____
City _____ State _____ (ZIP CODE)

If addressee has moved since last letter was mailed

Check here if new Address is temporary

Check here if new Address is permanent

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date _____

Joseph Lutz

Plaintiff, Pro-se
Auburn Correctional Facility
Box 618-#6584
Auburn, N. Y.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J Burns

Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Signature of Official Notary Public
at Auburn Correctional Facility

CC

7

United States District Court
Southern District of New York

In the Matter of Joseph Lunz,
Plaintiff,

vs.

Peter Preiser, Commissioner of the
Department of Correctional Services, and,
Jerome W. Patterson, Superintendent of the
Eastern New York Correctional Facility,
Defendants.

Affidavit

State of New York } ss.:
County of Cayuga }

Joseph Lunz, being duly sworn, deposes and says:

That the statement of facts of this complaint, which are listed under VIII are mostly listed in a diary form as they have occurred, and is kept up until the night before the plaintiff is supposed to be scheduled to see the Notary Public at this facility for of this in said complaint, any additional facts which plaintiff feels will have a bearing to this Complaint will be submitted as amendments to it as they come to the attention of the plaintiff.

Very few parts listed in the statement of facts are the plaintiff's personal opinions, and one enclosed in brackets (), and plaintiff's opinion listed in exhibit #55 has turned out to be wrong - it is just that the state employees at this facility most likely live that way.

Plaintiff respectfully request the Court to excuse the different colors of paper that are used in its copy - plaintiff is an indigent person but has tried to submit this complaint as neat as possible with a decent kind of paper which plaintiff could get for the court's copy; everybody else will have to accept what plaintiff could get at the time and place, because most of the other copies were written while plaintiff was in the special housing unit of this facility and some of it is written in pencil and very much used carbon paper used for copies.

Respectfully yours,

Joseph Lunz

Plaintiff, Pro-se

Auburn Correctional Facility

Box 618 - #65 884
Auburn, N.Y. 13022

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public.

Notary Public, State of New York
Qualified No. 1462
Commission Expires March 30, 1976

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10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

United States District Court
Southern District of New York

In the Matter of Joseph Lange,
Plaintiff,

vs.

Peter Pruner, Commissioner of the
Department of Correctional Services,
and Jerome W. Pitterson, Superintendent
of the Eastern New York Correctional Facility,
Defendants.

Notice of Motion

Civil Rights Complaint Application
pursuant to Title 42 U.S.C. Section
1983 and Title 28 U.S.C. Sections
1343 (3), (4).

Dear Sirs:

Please Take Notice, that upon the attached affidavit of Joseph Lange, duly sworn on the 18 day of October, 1974, the plaintiff herein will move in the United States District Court, Southern District of New York, located at Foley Square, New York, N.Y., at 10:00 in the forenoon on the 1 day of November, 1974 or as soon thereafter as plaintiff may be heard on his Affidavit of Civil Rights Complaint, seeking the following relief:

Wherefore that the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974 was a violation of the Constitution and laws of the United States; and a injunction directing the defendants to return the plaintiff to the Eastern New York Correctional Facility at Niagara Rock, N.Y. for educational purposes; and to expunge from all the records concerning the plaintiff, the reason for the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974, and to cease harassing the plaintiff, and returning packages that are addressed to the plaintiff to their original senders, and withholding from the plaintiff any packages that may be sent to the plaintiff by the plaintiff's friends and other sources; and not to violate the plaintiff's rights in the future.

5

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cc

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CORRESPONDENCE DEPT. PERSONNEL _____

And for a preliminary injunction directing the defendant Prisoner, and his agents, to:

(a) Cease harassing the plaintiff and returning packages that are addressed to the plaintiff to their original senders, and withholding from the plaintiff any packages that have been sent and may be sent to the plaintiff by the plaintiff's friends and other sources, and not to violate plaintiff's rights in the future; and

(b) Return the plaintiff to the Eastern New York Correctional Facility at Niagara, so that the plaintiff may attend the vocational plumbing school.

Respectfully yours,

Joseph Lutz

Plaintiff, Pro-se
Auburn Correctional Facility
Box 618 - #65884
Auburn, N.Y. 13022

Dated: October 1974
Auburn, N.Y. 13022

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CORRESPONDENCE DEPT. PERSONNEL

United States District Court
Southern District of New York

In the Matter of Joseph Lugo,
Plaintiff

vs.

Peter Preiser, Commissioner of the
Department of Correctional Services,
and Jerome W. Patterson, Superintendent
of the Eastern New York Correctional Facility,
Defendants.

Officer of Civil Rights Complaint
pursuant to Title 42 U.S.C. Section
1983, and Title 28 U.S.C. Sections
1343 (3), (4)

State of New York) ss:
County of Orange)

I

This is an action at law to redress the deprivation under color of statute, regulation, custom and usage of a right, privilege and immunity secured to plaintiff by the First, Eighth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. Section 1983

II

The jurisdiction of this Court is invoked under 28 U.S.C. 1343 (3), (4) this is an action authorized by statute to redress, recover damages or to secure equity for the deprivation under color of statute, law, regulation, custom and usage of right, privilege and immunity secured to the plaintiff by the First, Eighth and Fourteenth Amendments to the United States Constitution.

III

B.G. This is an action seeking injunctive and permanent injunctions, 28 U.S.C. Section 11 CC

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CORRESPONDENCE DEPT. PERSONNEL

2781 and Section 3384 (3).

IV

The statute being challenged in Section 33 (1) of the Correction Law of the State of New York.

V

The plaintiff is a citizen of the United States and resident of the State of New York being presently domiciled in the Auburn Correctional Facility in the County of Cayuga, State of New York.

VI

At all times hereinafter mentioned, the Plaintiff was the Commissioner of the Department of Correctional Services, located at the State Police Building, Albany, New York, and Jerome W. Patterson was the Superintendent of the Eastern New York Correctional Facility, located at Bay Pl., Binghamton, New York.

VII

At all times hereinafter mentioned, the defendant acted under color and pretense of law to wit, under color of statutes, regulations, customs, and usage of the State of New York. Each of the defendants, various agents, herein expressed in the several acts and omissions mentioned to the injury of plaintiff and deprived plaintiff of his rights, privileges and immunities secured to him by the First, Fifth and Tenth Amendments to the Constitution of the United States.

VIII

Plaintiff is presently confined in the Department of Correctional Services by a sentence of twenty (20) years to life, rendered by the Supreme Court, Seneca County, on August 27, 1965, for the crime of murder in the second degree.

In July, 1973 plaintiff requested Mr. Horner, of the Services Unit at Wallkill Correctional Facility, to try to have the plaintiff transferred to the Eastern Correctional Facility so that the plaintiff may go to the vocational school for plumbing, but the plaintiff was told to bring back a good adjustment report after six (6) months and Mr. Horner would try to have the plaintiff transferred to the Eastern Correctional Facility.

27

12

cc

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CORRESPONDENCE DEPT. PERSONNEL

Plaintiff had worked in the Birth-Death-Power shop (Electric - Plumbing and Steam Heating unit assignment) at Clinton from June 1973, and plaintiff brought back a good work record, and on March 4, 1974, Mr. Garcia submitted a application for plaintiff being transferred to the Eastern Correctional Facility to the Central Office of the Correctional Department in Albany, so that the plaintiff could attend the vocational plumbing school there.

On March 11, 1974 the Central Office denied the application for the following reasons:

"Not Acceptable Program of interest at Eastern Correctional Facility, not available for view of his age and length of sentence, of many want to consider Duane Correctional Facility."

On March 17, 1974 Mr. Garcia, with the support of Deputy Superintendent of the Eastern Correctional Facility, submitted another application for the plaintiff being transferred to the Eastern Correctional Facility to Mr. Eugene E. Phillips, Senior Administrative Assistant, setting forth six (6) reasons, number four (4) of the reasons is:

"(4) Completion of vocational training at this time would allow the resident to gain valuable experience as a plumber which would make him more employable when he is eventually released from incarceration."

On April 6, 1974 the plaintiff wrote a letter to Mr. Eugene E. Phillips, which says in part:

"I would fully appreciate your granting the requested application for my being transferred to the Eastern Correctional Facility for the reasons stated within the application and for the reasons that the majority of the inmates in this facility are second and third felony offenders, older than myself and this conversation does not revolve around how hard they have worked to make a career of a trade for themselves other than crime - which resulted in my withdrawing from their association and, I would like to be around people of my own age who have similar desires to learn a trade." (Exhibit #1).

On April 9, 1974, Mr. Lilia Baroni and her son Edward Baroni, of 31-34-74th Street, CC

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CORRESPONDENCE DEFT. PERSONNEL

Jackson Heights, New York, mailed plaintiff a package, to the Clinton Correctional Facility, which contained one pair of slippers (new), one pair of socks (new) and one (1) pack of hard candy, (Exhibit #2).

On April 2, 1974, plaintiff was transferred from the Clinton Correctional Facility to the Eastern Correctional Facility.

On April 23, 1974, plaintiff ordered a set of three (3) books entitled "Plumbing and Pipe Fitter's Library", from I.T.T. Inc. and W. Moore & Co., Inc., 430 West 63rd Street, Indianapolis, Indiana, (Exhibit #3).

On April 30, 1974, a sergeant and a lieutenant (white) held a meeting which included all of the inmates that were in the reception company and explained to us what happens when an inmate gets a report written on him and how to react to it. The Adjustment Committee explained that the lieutenant (white), a correctional officer sergeant and a white inmate in the adjustment committee, that disciplining an inmate, even if it is wrong, is a keep-lock and if the inmate refuses to look in and wait to see the boss, it is a matter of keep-lock. Fighting and vice making is a fourteen (14) day keep-lock, any keep-lock can be extended if it requires an investigation and it can continue for a long time as long as the inmate refuses before the adjustment committee every seven (7) days, an inmate asked about what happens if he catches another inmate in his cell and starts a fight with him, the lieutenant said that if anyone catches someone in his cell, he is supposed to call an officer and if a fight starts between inmates get keep-locked. Some inmates started talking about they were union makers and that they had relatives in the Black Panther party and did not know their home address and could they write to them at the Black Panther office, the lieutenant said that there would be no writing to the Black Panther group and he told the inmates that they should write to their relatives where they could make their own. They all said yes, no fighting, no contraband, no drugs, no vice, if you have any problems direct to the priest or the authorities.

Plaintiff received a visit from Miss Lilliana Brown and her son, and plaintiff was informed about their having sent the package to Clinton and plaintiff was asked to write to Clinton about it, which plaintiff did that night.

On May 1, 1974, plaintiff appeared before the Program Committee and was scheduled for all day vocational plumbing, and on May 2, 1974, plaintiff started attending the plumbing course.

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CORRESPONDENCE DEPT. PERSONNEL

Plaintiff ordered from ITT Howard W. Samuels, Inc. 4300 West 67th Street, Indianapolis, Indiana, a book entitled "Questions and Answers for Klumbers Examinations" on May 3, 1974. On Sunday afternoon May 5, 1974, plaintiff spotted an inmate in the yard whom plaintiff had seen and known as, while plaintiff was at the Clinton Correctional Facility, Anthony Regina. Although plaintiff had never spoken to Regina before, while plaintiff was a patient in the Clinton Correctional Facility's Hospital, 3rd floor, in September, 1971, Regina, who was an inmate-nurse, called a couple of negro inmate patients aside and told them that plaintiff was prejudiced against negroes and that plaintiff did not like to have them around him. This statement was relayed to plaintiff by one of the negro inmates that plaintiff knew and who was one of the patients it was told to. This statement, made by Regina, was intended to cause the negro patients against plaintiff and might have caused plaintiff physical harm but the negroes chose to ignore Regina's statement. At that time plaintiff let the matter slip - by because it did not cause plaintiff any trouble and most of the inmates knew that Regina was a scum, and a trouble maker, and plaintiff forgot about the matter until plaintiff seen Regina at the Clinton Correctional Facility. Plaintiff was not going to say anything to Regina at that time either, except that Regina had tried to cause the plaintiff to be hurt once before and due to the situation at Clinton, where out of approximately seven hundred (700) inmates, less than one hundred (100) inmates were caucasians, he (Regina) might incite a couple of the negro inmates to cause plaintiff bodily harm, so, plaintiff chose to confront Regina with the accusation before he could cause plaintiff trouble, the evening of two (2) weeks.

Plaintiff approached Regina while Regina was with a group of other inmates and accused him of having tried to cause plaintiff trouble and that he was a scum, Regina became angry and in his anger he said what plaintiff said and plaintiff told him if he did not like it to throw up his hands and he said "No, you are not going to sit me up." An officer came over and told us to break it up and plaintiff walked away from Regina.

A few minutes later the same officer called plaintiff over and asked plaintiff what it was about, and plaintiff told him that Regina had tried to cause trouble for plaintiff while plaintiff was at Clinton, and that there were other inmates (some for talk which has a racial basis) about Regina, the officer asked if he (Regina) was out, and plaintiff replied that that was what the issue was about, the officer said that he thought because of the suspicious circumstances which he (Regina) came there (Clinton) under, I walked away from him.

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A little while later, plaintiff was informed that the officer was going to write a report about the argument plaintiff had with Regina and include other inmates who had supported plaintiff's accusation - who were also from Eastern Correctional Facility. Plaintiff went to the officer and explained to him that the argument was between Regina and plaintiff and nobody else, and further told the officer that plaintiff had said all plaintiff had to say to and about Regina, and that the matter was over as far as plaintiff was concerned, and the officer asked if plaintiff would start a fight with Regina and plaintiff replied that plaintiff would not unless Regina started it, the officer said okay and he left.

At no time, while plaintiff was at the Eastern Correctional Facility, did any officer or civilian mention or write a report about the argument plaintiff had with Regina, and plaintiff answered that the matter was dropped.

In the afternoon of Thursday, May 9, 1974, plaintiff was told that plaintiff was being transferred and plaintiff inquired why and where to, and was told that plaintiff was being transferred to another facility to go to school for plumbing, plaintiff replied that that was the reason plaintiff was transferred to Eastern for in the first place and that plaintiff was going to the vocational plumbing school all day, the officer said that it was all that he was told.

Friday morning, May 10, 1974, plaintiff spoke to Sergeant Caira and asked if he knew of the reason why plaintiff was being transferred, he replied that he did not but he would check in the matter for plaintiff. A short time later, Sergeant Caira returned and said that plaintiff was being transferred so that plaintiff could go to school for plumbing, plaintiff told him that that was the reason why plaintiff was sent to Eastern for and that plaintiff was attending the vocational plumbing school all day, Sergeant Caira said he would check into the matter and inform plaintiff if he found out any other reason, plaintiff never saw the sergeant again.

That night, plaintiff received a letter from J. E. Kelly, Superintendent of the Eastern Correctional Facility, which informed plaintiff that a package was sent to Eastern for plaintiff and that plaintiff should check it to the authorities there. (Exhibit #4).

On May 11, 1974, in the morning as plaintiff was being led to the transferring area along with another inmate, Jones, who was going to attend, by two (2) officers and followed by two (2) officers from Eastern, one being Mr. Kelly, as with a lieutenant who was accompanied by a person dressed in civilian clothes, the lieutenant spoke to the transferring officers (the ones

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who bid me), and after a few words between them he turned and looked at me (Jones and plaintiff), he addressed Jones inquiring if they had a living transferant, Jones replied that he had requested to be transferred to Otis, the lieutenant said that he (Jones) was a good inmate and the lieutenant said that they had no trouble with plaintiff while plaintiff was there (Eastern) and plaintiff asked by plaintiff was being transferred, the other officer who followed us said that plaintiff was being transferred because plaintiff was going to a place where plaintiff could have a trade that was not available at Eastern, plaintiff told the officer that plaintiff was transferred to Eastern to go to work in a school and that plaintiff was in the plumbing class all day, plaintiff told to leave the lieutenant who brand his head and started walking away with the person dressed in the civil clothes, and the lieutenant murmured that he did not know why plaintiff was being transferred.

Plaintiff asked Mr. Huff who the lieutenant was and he said that he was a cellie for plaintiff upon plaintiff's request.

Plaintiff was informed by Jones that the person dressed in the civil clothes, who was with the lieutenant was the Deputy Superintendent of the Eastern Correctional Facility.

Plaintiff was transferred to the Eastern Correctional Facility from the Eastern Correctional Facility on May 11, 1974.

On May 12, 1974, plaintiff submitted an interview slip to the Service Unit requesting to be informed of the reason why plaintiff was transferred from the Eastern Correctional Facility.

On May 14, 1974, plaintiff had an interview with Mr. William E. Wilkin, of the Service Unit, and he was surprised that plaintiff spent only twenty-nine (29) days at Eastern. He said that it must be an administrative error, he asked if plaintiff had any enemies there, if plaintiff had any trouble there and if plaintiff caused any trouble there, plaintiff replied no to his questions and he said that he would check on the matter and plaintiff thanked him and left.

Plaintiff wrote to the Parole Office and requested to be informed of the reason why I was transferred from the Eastern Correctional Facility to this Facility on May 11, 1974. (Exhibit #5).

On May 15, 1974, plaintiff received a reply from the Parole Office (a Post) which said in part: "I have no information regarding your transfer from Eastern - please you could get this from your service unit counselor - drop him a line..." (Exhibit #5).

On May 16, 1974, plaintiff received a note from Mr. Wilkin of the Service Unit, which says:

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CORRESPONDENCE DEPT. PERSONNEL

Eastern

Upon re-submission, Albany apparently went along with the transfer I would appear that Eastern questioned where you fit their criteria and you were sent here.
I note that in the past, you have requested Auburn. Your name can be placed on the Plumber's list, and you may be able to work as a maintenance plumber or plumber's assistant when there is an opening.
Let me know if you are still interested in plumbing." (Exhibit #6).

Plaintiff sent Mr. Wilkin, Service Unit a interview slip dated May 16, 1974 which asked him to recheck the folder to discover the reason for plaintiff's being transferred from Eastern, and to let him that plaintiff's request to be sent to Auburn was more than seven (7) years old and that plaintiff would work in the maintenance plumbing department while plaintiff was waiting to be sent back to Eastern, (Exhibit #7).

On May 17, 1974, plaintiff sent motivated letters to the Commissioner of Correction, (Exhibit #8), Mr. Eugene Phillips, Senior Administrative Assistant, (Exhibit #9), and Mr. J. W. Patterson, Superintendent, (Exhibit #10), requesting to be informed of the reasons why plaintiff was transferred from the Eastern Correctional Facility to the Auburn Correctional Facility.

On May 21, 1974 Mrs. Victoria Cummings, 22-51-31st Street Astoria, N.Y., wrote letters to Mr. J. W. Patterson, Superintendent, (Exhibit #11) and Mr. Peter Priner, Commissioner of Correction, (Exhibit #12), requesting to be informed of the reasons why the plaintiff was transferred from Eastern to the Auburn Facility.

On May 23, 1974 at approximately 2:30 in the afternoon plaintiff was in the law library and Mr. Wilkin of the Service Unit came and asked if he could speak to plaintiff, so we went to a room across the hall and he told plaintiff that Albany told him that they were willing to send plaintiff to West Meadow where plaintiff could go to the vocational school for plumbing, plaintiff told him plaintiff wanted to go back to Eastern, he said that Albany offered as an alternative to send plaintiff to Green Haven where plaintiff could go to school for plumbing and plaintiff would be close to the city for visits, plaintiff said that plaintiff wanted to go back to Eastern because it is medium security and both West Meadow and Green Haven are maximum security. He said that Albany said no on Eastern, plaintiff asked him why plaintiff was transferred from Eastern and he said that plaintiff had an argument with one fight with an inmate there. Plaintiff explained to Mr. Wilkin why plaintiff had an argument with and the reason why. Mr. Wilkin said that plaintiff was not going back to Eastern and that was that, plaintiff told him that no report was written about plaintiff that plaintiff was informed of, cc

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that plaintiff was not brought before the adjustment committee so that plaintiff could explain plaintiff's side of the story, plaintiff told him about the reason that plaintiff was given for plaintiff's being transferred and that plaintiff was not afforded the due process or equal protection of the law and about Regina's physical condition and the criteria for Eastern and that Regina belonged in Eastern because of his age and physical condition. Mrs. Wilkin said that either plaintiff go to Westwood or Green Haven or remain here and wait for an opening in the maintenance plumbing shop where plaintiff could get experience in plumbing. Plaintiff told him that plaintiff was in the plumbing shop before plaintiff got transferred to Eastern. Mrs. Wilkin said that Albany's giving plaintiff the alternative of going to Green Haven was for the good because plaintiff would be able to get visits there. Plaintiff said plaintiff had been up in Eastern since sixty-six (66) and plaintiff only had one (1) visit but plaintiff was in Eastern twenty-nine (29) days and plaintiff had a visit from a eighty-four (84) year old woman and her son and plaintiff did not see a big plaintiff had to be transferred from a medium security place to a maximum security place because of an argument with an inmate and after the argument plaintiff told the officer that it was all over with. Mrs. Wilkin said that plaintiff should take what plaintiff was offered, plaintiff said plaintiff would go to court with it if plaintiff did not get back to Eastern. Mrs. Wilkin said that by going to court with it may turn Albany against plaintiff because they were offering plaintiff what they promised plaintiff and that by going to court plaintiff might not get what plaintiff wanted in the first place. Plaintiff said that Regina should have been moved because he does not meet the criteria for Eastern. Mrs. Wilkin said that plaintiff's record was not to good and that plaintiff had a lot of trouble at Clinton and that Mrs. Garcia had tried to get plaintiff transferred to Eastern on two (2) occasions, the first time he was denied and the next time Albany gave into his request and transferred plaintiff to Eastern; plaintiff told Mrs. Wilkin that the second time Mrs. Garcia tried he was backed up by the Deputy Superintendent and it was true that plaintiff had had a lot of trouble in Clinton but the last trouble plaintiff had was in May of 1973 and that plaintiff had calmed down a lot and plaintiff told him about the letter plaintiff wrote to Mr. Phillips. Mrs. Wilkin said that legal action takes a long time and both parties sometimes lose in the end, plaintiff told him that in 1968 plaintiff took action in court to get documents and evidence on plaintiff's criminal convictions and that only got the documents in 1972 which took four (4) years but plaintiff got them. Mrs. Wilkin then got on the subject of plaintiff's taking a legal action against a transfer or another inmate and asked if plaintiff knew of any case in the law books which says so, after storming for a few moments, plaintiff said no. cc

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but there was always a first time and besides that the transfer and the reason for it will be on plaintiff's record and it will hurt plaintiff when plaintiff goes to the parole board, and that straw-broom were cut down in sixty-eight (68) or sixty-nine (69). Mr. Wilkin asked what a straw-broom was, and plaintiff told him to tell it to Albany, they know. Mr. Wilkin was stunned for a few moments so plaintiff told him it is a person who has control over inmates and he is himself an inmate. Mr. Wilkin asked is he (Regina) a rat, plaintiff told him that that was what the officer asked when the argument between Regina and plaintiff was broke up and plaintiff told the officer that that was what the wives were about and the officer said he thought so because of the way Regina was brought there. Mr. Wilkin asked how Regina was brought there; plaintiff replied that within nine (9) months Regina was transferred from Clinton Prison, where he had a number of inmates transferred from, to there, where he had a number of inmates transferred from and he had trouble and he caused the administration trouble there, and he was transferred to Wallkill, and he had trouble which plaintiff did not know the reason of, and that Regina was transferred to Eastern and placed in the dog pen for three (3) or four (4) days and then he was placed in the hospital as a nurse. Mr. Wilkin said that he will tell Mr. Patrikin in Albany that plaintiff refused to go to that Mother or Karen Haven and what plaintiff said, he asked if plaintiff had submitted the papers to the court yet and plaintiff told him that only a few inmate papers on base allegations and that plaintiff was still hiding in the cage. Mr. Wilkin said Albany said that plaintiff would not get back to Eastern and that plaintiff should take it or remain free because this was not a bad place and that plaintiff had more freedom here than plaintiff had in Eastern. Plaintiff told Mr. Wilkin that he had to be kidding because at Eastern the whole place was a cage as far as plaintiff was concerned because half the place was a school and the other half was the yard where you could do what you wanted in it. Mr. Wilkin said that they were going to start night yard here on Monday until 11:30, plaintiff said that it was till 8:30 and that Eastern was going to start night yard this year also. Mr. Wilkin said he would tell Albany what plaintiff said and he left after plaintiff thanked him.

On May 24, 1974 Mr. Wilkin approached plaintiff in the law library at 8:58 A.M. and asked plaintiff to write the name of the inmate plaintiff told him about the other day and he slipped plaintiff a piece of paper upon which plaintiff wrote the name "Anthony Regina". he left after he thanked plaintiff.

On May 25, 1974 plaintiff wrote to Mrs. J. M. Patterson, Superintendent, and requested

CC

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CORRESPONDENCE DEPT. PERSONNEL

take informed of the whereabouts of Mrs. Ramani's package, (Exhibit #13).

On May 30, 1974 plaintiff wrote a interview slip to Mr. Wilkin, Service Unit, requesting to be placed on the list for Maintenance Construction 2 for plumbing or Plots 3, because plaintiff does not receive money from plaintiff's friends or home and that plaintiff enjoys working instead of sitting in plaintiff's cell doing nothing, (Exhibit #14).

Plaintiff received a letter from Mr. J. W. Fetter, Acting Superintendent of the Eastern New York Correctional Facility, dated May 31, 1974, which informed plaintiff that Mrs. Ramani's package was sent back to Clinton by mistake and Clinton had advised them that they forwarded it to plaintiff at Auburn, (Exhibit #15).

June 3, 1974 plaintiff submitted a interview slip to Mr. P. Berg, Service Unit, and said the same thing to him as plaintiff said to Mr. Wilkin in the interview slip of May 30, 1974, about a job, (Exhibit #16).

Plaintiff received a slip from Mr. Thomas P. Berg, dated 6/3/74, which informed plaintiff that when a vacancy does occur in one of the shops plaintiff is listed, and if plaintiff has a good adjustment record an assignment will be made, (Exhibit #17).

On June 5, 1974 plaintiff received one hundred and eighty-five (185) days of good time that plaintiff had lost, from the Time Adjustment Board, because of plaintiff's good behavior.

On June 4, 1974 plaintiff wrote motivated letters to the Commissioner of Correction (Exhibit #18), Mr. Eugene E. Phillips, Senior Administrative Unit (Exhibit #19) and Mr. J. W. Fetter, Superintendent (Exhibit #20), requesting to be informed of the reason why plaintiff was transferred from the Eastern Correctional Facility to the Auburn Correctional Facility on May 4, 1974.

On June 6, 1974 plaintiff wrote an interview slip to Mr. P. Berg, Service Unit, and requested him to remove plaintiff's name from the Plots 3 shop because plaintiff did not need money that bad and that plaintiff really wanted to learn plumbing, (Exhibit #21).

On June 8, 1974 plaintiff received a letter from Mr. J. W. Fetter, Superintendent, dated June 7, 1974 which informed plaintiff the Department felt that Auburn is better fitted for plaintiff's needs and that be is sure that before long plaintiff will feel more "at home" at Auburn, (Exhibit #22).

On June 10, 1974 plaintiff received a note from Mr. P. Berg, Service Unit, dated 6/10/74, which informed plaintiff that plaintiff's name had been removed from the plots shop list, (Exhibit #23).

On June 11, 1974 plaintiff wrote a letter to Mr. J. W. Fetter, Superintendent, inquiring about the money and the stamps that plaintiff did not receive from the defendant's facility, (Exhibit #24).

On June 13, 1974 plaintiff received a letter from Mr. Eugene E. Phillips, Supervisor of Inmate CC

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Classification Movement, dated June 11, 1974, which informed plaintiff that he had received plaintiff's letter and that he was passing plaintiff's document to John J. McCarthy, Inmate General, for appropriate action. (Exhibit #35).

On June 14, 1974, plaintiff received a letter from Mr. Edward M. Carroll, Executive Assistant, which informed plaintiff that the Commissioner received letter from plaintiff, Mrs. Selma Baroni, and Vickie Cummings requesting to be informed of the reason plaintiff was transferred from Eastern and that the Department feels plaintiff would be more productive and make a better adjustment at Auburn, and that the Department is responsible for plaintiff and plaintiff should have trust and confidence in them and at a later date if plaintiff has a good adjustment at Auburn plaintiff might be considered for some other programs at other facilities. (Exhibit #36).

Mrs. Cummings not only received a copy of the letter of Mr. Edward M. Carroll, Executive Assistant, she also received a letter from Mr. J. W. Patterson, dated June 9, 1974, which informed Mrs. Cummings that the program at Auburn would better fit plaintiff and that "I am sure that, with the passing of time, he will adjust to his new situation here and will be reasonably content." (Exhibit #37).

Plaintiff received a copy of the Good Behavior Allowance Report, dated 6-14-74. (Exhibit #38).

On June 15, 1974, plaintiff received a letter from Mr. Joseph Egan, Administrative Aide, The Legal Aid Society Prisoners Rights Project, 15 Park Row, New York, N.Y., dated June 14, 1974, which informed plaintiff that plaintiff was transferred from Niagara because plaintiff was involved in a fight. (Exhibit #39).

On June 18, 1974, plaintiff wrote a letter to Mr. Henderson, Superintendent, (Exhibit #30); Mrs. Wilkin, Service Unit, (Exhibit #31); and the Package Room, (Exhibit #32); and informed them that plaintiff would not pay any extra postage on Mrs. Baroni's package because it was the Correctional Authorities fault for sending it to the wrong institution; plaintiff also wrote to Mrs. Selma Baroni and the Commissioner of Correction about Mrs. Baroni's package. (Exhibit #33).

On June 19, 1974, plaintiff received a note from Mr. J. Henderson, Superintendent, dated June 19, 1974, which informed plaintiff that Mrs. Baroni's package had not been received at this facility and that plaintiff should write to the other facilities and Mrs. Baroni and inquire about it. (Exhibit #34).

On June 22, 1974, plaintiff received a letter from Mrs. J. W. Patterson, Superintendent, dated June 19, 1974, which informed plaintiff that on two (2) occasions money was sent to Auburn that belonged to the plaintiff and that the plaintiff's stamp account was also forwarded to Auburn. (Exhibit #35).

Plaintiff wrote a note to Mr. Robert J. Henderson, Superintendent, inquiring about the plaintiff's money and stamps that were mentioned in Mr. J. W. Patterson's letter of June 19, 1974. (Exhibit #36) CC

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CORRESPONDENCE DEPT. PERSONNEL

Plaintiff wrote a letter to Mr. J. W. Patterson, Superintendent, informing Mr. Patterson that plaintiff had not received Mrs. Sapanis package mailed June 10, 1974 and the stamp account that Mr. Patterson mentioned in his letter of June 14, 1974, (Exhibit #37).

On June 24, 1974 plaintiff received back the note plaintiff sent to Mr. Henderson, and wrote on the bottom of the back of it was a note informing plaintiff that the \$10.71 was not received here and requested plaintiff to send up to letter of Mr. J. W. Patterson and that they will check it out for the plaintiff, as in plaintiff's file, (Exhibit #38).

Plaintiff received a note from Mr. Wilkin, Service Unit, dated June 25, 1974 informing plaintiff that plaintiff's note concerning the Harmon package was received and filed in plaintiff's file, (Exhibit #39). (This note is written by a state employee who receives approximately eight (8) or (9) thousand dollars a year to assist inmates with their personal problems.)

On June 26, 1974 Mr. Robert J. Henderson, Superintendent, wrote a letter to Mr. Donald Byah, Steward of the Eastern Correctional Facility, inquiring about the plaintiff's money and stamp account. Plaintiff received a carbon copy of the letter, (Exhibit #40).

Plaintiff wrote a letter to the Correspondence Department inquiring about the plaintiff's stamp account in the facility, (Exhibit #42).

Plaintiff wrote a letter to Mr. Wilkin, Service Unit, informing him that the plaintiff had been informed that there were two (2) openings in the maintenance plumbing shop for the last two (2) days, and as yet "perhaps" has not occurred to be allowed to work, (Exhibit #41).

Plaintiff received a letter from Mr. Edward B. Patrick, Special Assistant to the Commissioner, dated June 28, 1974 which informed plaintiff that plaintiff's problem was forwarded to Auburn and that if plaintiff does not receive the packages in a reasonable period of time to contact the Deputy Superintendent for administration to resolve the problem for plaintiff, (Exhibit #43).

Plaintiff received a note from Mrs. Thomas Berg, dated 7/1/74, informing plaintiff that when a vacancy does occur in the plumbing shop and if plaintiff has a good adjustment record, assignment will be made, (Exhibit #44).

On July 1, 1974 plaintiff received plaintiff's interview slip of 6/26/74 back from the Correspondence Department and wrote on the bottom of the front they informed plaintiff they received \$8.66 from Eastern on 7-1-74. Plaintiff wrote a letter to the Correspondence Department, inquiring about the \$8.66 they received from Eastern and asked them to take money out of plaintiff's account for stamps, (Exhibit #45).

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On July 2, 1974 plaintiff received plaintiff's interview slip back which enclosed a note from Della Street, C.C., which explained that they received a check for \$10.71 for plaintiff from Eastern along with plaintiff's stamp account of \$8.16 on 7-1-74, (Exhibit #46).

Plaintiff wrote a interview slip to the Correspondence Department, thanking them for informing plaintiff they had received plaintiff's stamp account and money on July 4, 1974, (Exhibit #47).

Plaintiff received a carbon copy of a letter by Mrs. J. W. Patterson, dated July 8, 1974 which he seems to have written to Clinton and Auburn Correctional Facilities about the plaintiff's package from Mrs. Parani and plaintiff's money and stamp account, (Exhibit #48).

On July 6, 1974 plaintiff wrote a letter to Mrs. Jerome W. Patterson, Superintendent inquiring about three (3) of the books plaintiff ordered while plaintiff was in the Eastern New York Correctional Facility on April 25, 1974, (Exhibit #49).

On July 17, 1974 plaintiff appeared before the Program Committee and was told that plaintiff will be assigned to the maintenance plumbing shop after plaintiff gets cleared by security.

On July 24, 1974 plaintiff was recalled to the Program Committee and was scheduled to have an interview with the head of the Maintenance Plumbing Shop.

Plaintiff received a letter from Mrs. Selma Parani and her son dated July 9, 1974 which informed plaintiff that the Correctional Authorities lost Mrs. Parani's package of April 9, 1974, (Exhibit #50).

On July 25, 1974 plaintiff received a letter from Mrs. Lillian Fraker, Savoy Book, Bridge Adams, Massachusetts, which informed plaintiff that one of the packages of books she had sent to the plaintiff was returned to her by the Correctional Authorities, (Exhibit #51). (Plaintiff already has a copy of "Plutarch's Lives" as well as cited in NY - but the other "Lives" which are mentioned in the volume plaintiff has that are not in plaintiff's copy and plaintiff is taking a chance that the copy from Savoy Books will have the other "Lives" in it).

On July 29, 1974 plaintiff received a letter from Mr. J. W. Perrin, Acting Superintendent, dated July 26, 1974, which informed plaintiff that the package of books was forwarded to plaintiff about a month ago, (Exhibit #52).

Plaintiff did receive one (1) book entitled "Questions and Answers for Plumbers Examinations" about a month ago but plaintiff did not receive the three (3) books which are mentioned in the letter of July 16, 1974, exhibit #49.

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CORRESPONDENCE DEPT. PERSONNEL

Plaintiff wrote a letter to I T T, Howard M. Lane & Co., Inc., 4302 West 42nd Street, Indianapolis, Indiana, dated July 29, 1974, requesting to be informed as when they sent the plaintiff the three (3) books or if they sent plaintiff the books (Exhibit #53).

On July 30, 1974 at 9:15 A.M. Mr. Wilkin of the Service Unit, came to plaintiff's cell, and for twenty-nine (29) minutes we talked about plaintiff's health, the assignment committee, plaintiff's wanting to learn the plumbing trade; Mr. Wilkin saying that plaintiff should take up correspondence courses on psychology and sociology; plaintiff saying that all plaintiff was interested in learning was plumbing; what kind of books plaintiff reads; Mr. Wilkin saying plaintiff would like psychology because plaintiff would learn to socialize with people; plaintiff saying that plaintiff had all the psychology plaintiff wanted from "Plutarch's Lives"; the Ravari package and Mr. Wilkin's note concerning the Ravari package; psychology courses; plumbing; plaintiff's not associating with other inmates and the socializing; psychology courses, and that in the days of Plutarch they did not take the time to observe and analyze people; plaintiff reading a part of the life of "Cato" to Mr. Wilkin and plaintiff saying: "Yes, in their days they were very stupid, ignorant people"; Mr. Wilkin saying that what plaintiff is not read to him was mostly liberal people; and plaintiff said to Mr. Wilkin "Plutarch's Lives" teaches plaintiff that when a person is paid to do a job that he does it to the best of his ability; Mr. Wilkin asked what plaintiff meant by that; plaintiff replied that he (Mr. Wilkin) received plaintiff's note concerning Mrs. Ravari's package and sent to plaintiff a sarcastic note saying "Your note concerning the Ravari package has been received and filed in your folder." Mr. Wilkin asked plaintiff to see that again and when plaintiff repeated what the note said; Mr. Wilkin asked to see the note; plaintiff asked why; Mr. Wilkin said that he wanted to see exactly what the note said; plaintiff asked if Mr. Wilkin did not believe the plaintiff; Mr. Wilkin said that he just wanted to see what he said in the note; plaintiff told Mr. Wilkin that he could not see the note and that he should have kept a copy of it so that he would know what he said; Mr. Wilkin said what else was he supposed to do with plaintiff's note; plaintiff replied that he could have written a few letters inquiring about the package since that is what he gets paid six to nine to ten and dollars a week for; Mr. Wilkin said it was plaintiff's package and that plaintiff should have written the letter; plaintiff said that plaintiff wrote about ten letters concerning the Ravari's package and that Mr. Wilkin could have done more than what plaintiff done; Mr. Wilkin said so what; plaintiff said, so what; that is what you people are going to court for; Mr. Wilkin asked what; plaintiff replied that that is why you people are going to court for it; Mr. Wilkin

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5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
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CORRESPONDENCE DEPT. PERSONNEL

Wilkens asked what he could have done; plaintiff said that he (Mrs. Wilkins) could have done more than what the plaintiff had done; Mrs. Wilkins asked what else was it that he could have done; plaintiff said and Mrs. Wilkins said that he had done all he could have done about the Banning process; and Mrs. said that Mrs. Wilkins said that that was why he did not do things for inmates because this is the way he is treated, and he walked away at 9:39 A.M.

On July 31, 1974 plaintiff appeared before the assignment committee and was again scheduled to have an interview with the head of the Maintenance Plumbing Shop, Mr. O'Leary, when asked what he expected to the interview plaintiff wrote how I just wrote, replied that a lot of times inmates get lost.

August 1, 1974, plaintiff is supposed to be scheduled to see the Native Public of this facility tomorrow morning, August 2, 1974, and plaintiff still has not been given a work assignment, and has plaintiff received the package from Mrs. Berman.

Due to an oversight on plaintiff's part, plaintiff has lost the 13 letters that plaintiff had mailed from the Clinton Correctional Institution; plaintiff has not yet received and will be raising a grievance as soon as the Attorney General submits his application.

On August 2, 1974, plaintiff submitted four (4) copies of affidavits of civil rights complaint against the same defendants herein named, one (1) copy was addressed to the United States District Court, New York, 55 Essex Square, New York, N.Y., one (1) copy was addressed to the Attorney General of the State of New York, 80 Centre Street, New York, N.Y., and one (1) copy was addressed to each of the defendants herein named & identified.

Plaintiff received a letter from I.T.T. Howard W. James & Co., Inc., dated August 6, 1974, which informed plaintiff that the books mentioned in plaintiff's letter of July 29, 1974, exhibit #53 were returned to them by the Correctional Authorities, (Exhibit #54).

On August 7, 1974, plaintiff appeared before the Assignment Committee, Plaintiff & Mr. Dr. and then (2) other witnesses. Mrs. Dr. questioned plaintiff about what happened at the plaintiff's last interview before the committee and plaintiff replied the plaintiff was supposed to have an interview with the head of the maintenance plumbing shop and that plaintiff did not have the interview. Mrs. Dr. and another civilian wrote down the plaintiff's name and number and said that plaintiff would have an interview with Mr. Tex Berman, the head of the maintenance plumbing shop as soon as possible. Mrs. Dr. said that he would like to have plaintiff in the new maintenance repair class that is available at the school; plaintiff replied that plaintiff had worked for ten (10) months in the maintenance plumbing shop while plaintiff was in Clinton and that plaintiff was supposed to have gone to school for plumbing and that plaintiff was supposed to be transferred to this facility and there is no plumbing school here and that plaintiff has just

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CORRESPONDENCE DEPT. PERSONNEL

need to go to a school to learn how to do maintenance plumbing, maintenance carpentry, maintenance painting and so forth, and the plaintiff was interested in learning how to install the different types of plumbing, etc. The licut. said that plaintiff should start thinking about taking up some type of work or be placed in the idle company here. Mr. Izzo said that if Mr. Scranton could not use plaintiff in his shop because plaintiff did not know enough about plumbing, that plaintiff should go to the maintenance repair school because he (Mr. Izzo) was sure that after plaintiff was in the school program for a while plaintiff would be sure to get in the maintenance plumbing shop. Plaintiff explained that plaintiff had started working in the plumbing shop in Clinton as a porter in the shop, then as a plumber's assistant, then as a block plumber, then plaintiff was taking care of two (2) blocks and on the work was plaintiff and another inmate (Mr. Abraham Evans), were doing the maintenance plumbing for the whole institution for a half day, and plaintiff was promoted to a head plumber which plaintiff held until plaintiff was transferred from Clinton to Raritan and during the ten (10) months that plaintiff was in the plumbing shop plaintiff worked all of the time with the same of the civilian doing maintenance repair work. Mr. Izzo again said that plaintiff better think about doing something else in case plaintiff is not accepted by Mr. Scranton; plaintiff was not accepted in the maintenance plumbing shop that he (Mr. Izzo) could place plaintiff anywhere that he wanted to. ("If I am not accepted in the plumbing shop, you can do as you want with me. Mr. Izzo, turned around to his mate back with a smirk on his face and said to plaintiff that was all he wanted to know (See Exhibit #55).

Plaintiff is under the impression that he will not be accepted in the maintenance plumbing shop at this facility because of Mr. Izzo's smirk and remark and that plaintiff will be placed in the maintenance repair shop so that the Federal Prison can say in the courtroom, that the Correctional Authorities are teaching the plaintiff how to do some plumbing repair work. (See Exhibit #55.)

The Affidavit of Civil Rights Complaint that plaintiff had sent to the Southern District Court of New York on August 2, 1974 was returned to the plaintiff because plaintiff did not follow procedure when suing a agency of the United States, (See Exhibit #55); (So, plaintiff does not seek damages).

On August 4, 1974 plaintiff wrote a interview slip to Mr. Oberg, Service Unit, (Exhibit #56), Licut. Ward, (Exhibit #57), Mr. Izzo, School, (Exhibit #58), informing them that on three (3) occasions plaintiff was scheduled to have a interview with the head of the Maintenance Plumbing Shop, by the Assignment Committee and that plaintiff has not had said interview and plaintiff requested their assistance in this matter.

22 On August 12, 1974 plaintiff spoke to an inmate who works in the maintenance plumbing shop (CC 27

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6. Buying for packages or money not allowed.
7. You are not permitted to receive the articles requested.
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CORRESPONDENCE DEI T. PERSONNEL

and was informed that there are no more in the plumbing shop.

On August 13, 1974 plaintiff asked the recreation company officer (Patrick Riley) if he could get the plaintiff an interview with Mr. Stanton, the head of the maintenance plumbing shop. Mr. Riley said it was illegal to set up an interview with Mr. Stanton for the plaintiff and Mr. Riley informed Mr. Riley that there were no openings in the maintenance plumbing shop and that he (Riley) would write a note to the plaintiff and explain the situation to the plaintiff. Mr. Riley said if Mr. Riley did not do so it would be a problem to the plaintiff. Plaintiff does not receive any note from Mr. Riley, he (Mr. Riley) would try to get the interview with Mr. Stanton for plaintiff.

Plaintiff received a copy of an "Inter-Departmental Communication" from Mr. Edward J. Burke, Senior Correctional Counselor dated August 14, 1974 that Mr. Burke sent to Mr. C. (Riley) Stanton (Maintenance), which says "Attached is note from above inmate requesting interview with you for early release as a maintenance plumber." (Exhibit #59).

On August 15, 1974 plaintiff showed Mr. Riley (the recreation company officer) the note from Mr. Burke and Mr. Riley called Mr. Stanton and was told that plaintiff could see Mr. Stanton at 1:00 PM that afternoon.

Plaintiff had the interview with Mr. Stanton and was informed that he would be assigned to the maintenance plumbing shop as soon as possible because there were only five (5) inmates in the maintenance plumbing shop to take care of this facility and he has been waiting for other inmates to be assigned to the maintenance plumbing shop for quite awhile.

A few days later plaintiff met Mr. C. (Riley) Stanton, the Design and Construction Unit, in the yard and Mr. C. (Riley) said that there were no openings for maintenance plumbers and that plaintiff would have to wait a truck driver and that plaintiff is waiting for a job in the maintenance plumbing shop and would have an interview with Mr. Stanton. Mr. C. (Riley) said that plaintiff would have to wait for a job in the maintenance plumbing shop as soon as he could with Mr. Stanton.

On August 15, 1974 plaintiff had an interview with Mr. Maria Lopez, Education Supervisor, in the office and Mr. Lopez was advised that plaintiff did not want to attend the maintenance class in the shop and that plaintiff had had an interview with Mr. Stanton yesterday and was recommended to be assigned as a maintenance plumber by Mr. Stanton. The interview lasted about three (3) minutes.

On August 16, 1974 plaintiff was assigned to the maintenance plumbing shop, in the afternoon.

Plaintiff has received three (3) plumbing books from I.T.T. Howard & Co., Inc.

4302 West 62nd Street, Indianapolis, Indiana. (Exhibit #60).

Being that the affidavit of Civil Rights Complaint of August 3, 1974 was returned to plaintiff.

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CORRESPONDENCE DEPT. PERSONNEL

plaintiff will mention the three (3) orders that plaintiff ordered while plaintiff was in Clinton Correctional Facility and has not as yet received.

On December 23, 1973 plaintiff ordered a "Complete Lake & Victory and Surplus Catalog" from the U.S. Surplus Disposal, 2200 Fuller 601B-4, Ann Arbor, Michigan, (Exhibit #61).

On July 5, 1974 plaintiff wrote to the U.S. Surplus Disposal, 2200 Fuller 601B-4, Ann Arbor, Michigan, requesting to be informed if they had sent this catalog to plaintiff or that they send it or return plaintiff's money, (Exhibit #62). Plaintiff has not as yet received an answer but plaintiff will write to them again.

On February 24, 1974 plaintiff ordered a catalogue from Paladin Press, Box 1307-A, Boulder, Colorado, (Exhibit #63).

On July 5, 1974 plaintiff wrote to the Paladin Press, Box 1307-A, Boulder, Colorado, requesting them to either send plaintiff his money or the catalogue, (Exhibit #64). Plaintiff has not as yet received an answer but plaintiff will write again.

On March 30, 1974 plaintiff wrote to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. and ordered two (2) pamphlets, (Exhibit #65).

On August 5, 1974 plaintiff wrote to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., requesting of them to find out what had happened to plaintiff's order, (Exhibit #66). Plaintiff has not as yet received a reply because the letter was delayed in the front office - they wanted plaintiff to send out \$5.00 for the pamphlets without their having read the complete letter.

On August 22, 1974 at lunch time plaintiff went to the mess hall from plaintiff's cell, plaintiff went to the line that plaintiff was told to go to by the officer and plaintiff started conversing with another inmate, who plaintiff knew, and plaintiff was violently shoved, from behind, almost across a table, when plaintiff regained plaintiff's balance plaintiff inquired why plaintiff was pushed and a negro inmate said that plaintiff had bumped into him when plaintiff was coming into the mess hall (which plaintiff did not do). When a sergeant and a officer grabbed plaintiff in order to break up the fight, this negro came over their backs and started pushing plaintiff, so the sergeant, the officer and plaintiff went after this negro. When the fight was broken up the second time the negro was taken out of the mess hall first and then a few minutes later plaintiff, by a sergeant and a officer, plaintiff was taken to the front of "C" block while a telephone call was made to the front office and then plaintiff was taken to the Special Housing Unit.

24) A short time later plaintiff explained to sergeant John Cacciotti what had happened in the

29 TCC

marshall and he informed plaintiff that plaintiff would appear before the Adjustment Committee tomorrow.

On August 23, 1974 plaintiff did not appear before the Adjustment Committee and plaintiff wrote a note to the Superintendent, Mr. Henderson, and informed him that according to law plaintiff was to appear before the Adjustment Committee before plaintiff can be taken to segregation, (Exhibit #67). A few minutes later plaintiff spoke to sergeant Joseph Torish and explained to him plaintiff's situation and what the law says and the sergeant started arguing the law with plaintiff before he left.

On August 24, 1974 about 8:00 A.M. plaintiff spoke to sergeant Atkins about plaintiff's situation and what the law says, sergeant Atkins told plaintiff to take them to court about it.

About 12 o'clock plaintiff spoke to sergeant Cook about plaintiff's situation and the law, plaintiff was told to write to the Commissioner about it.

At approximately 2:00 P.M. officers Colton #500 and Bailey brought to plaintiff's cell two bags and a carton full of plaintiff's personal property, plaintiff inquired if they would stand there and watch plaintiff while plaintiff checked the property; they said no; plaintiff requested to see a lieutenant; they said that plaintiff would have to start with a sergeant; plaintiff refused to accept the property.

About 7:45 P.M. plaintiff spoke to sergeant Joseph Torish about plaintiff's property and was told to see a day time sergeant about it.

On August 25, 1974 at approximately 7:30 A.M. plaintiff spoke to sergeant Atkins about plaintiff's property, and was told that it was not done like that in the special housing unit.

About 3:45 P.M. plaintiff spoke to lieutenant Edgerton about plaintiff's property, and was told that plaintiff did not have to sign for it if plaintiff was missing anything; plaintiff then explained plaintiff's situation and what the law says concerning a transfer to a special housing unit; he told plaintiff to change plaintiff's attitude before plaintiff appeared before the adjustment

committee.

Plaintiff wrote to Mr. Robert J. Henderson, Superintendent, about plaintiff's situation and property, (Exhibit #68).

On August 26, 1974 at 10:25 A.M., plaintiff spoke to Lieutenant Cantello about plaintiff's situation and property and he said he would check into the matter for the plaintiff.

About 4:00 P.M., plaintiff appeared before the adjustment committee, lieutenant

Castello acting at its head. He read a report of a officer which said that Ford (the negro) said that he will kill the plaintiff because the plaintiff was always picking on him and pushing him around, and two (2) other reports, and a report about plaintiff's refusing plaintiff's property, plaintiff said that plaintiff had made a statement to a sergeant when plaintiff came up here and that plaintiff will remain with that; plaintiff was asked to explain plaintiff's; out in the incident and plaintiff told them that plaintiff went to the mess hall from plaintiff's cell and plaintiff went to the spot where plaintiff was told to go to by the officer and plaintiff started talking to an inmate plaintiff knew from the yard and plaintiff was violently pushed almost across the table and when plaintiff regained plaintiff's balance plaintiff asked why plaintiff was pushed and then Ford (the negro) said that plaintiff had bumped into him when plaintiff was coming into the mess hall, which plaintiff did not do, so plaintiff went up on him. They asked if plaintiff knew Ford, and plaintiff replied that it was the first time plaintiff ever seen the man. The Lieutenant asked plaintiff to step outside a minute; plaintiff said that plaintiff can produce witnesses to what had happened; the Lieutenant asked who they were and plaintiff said the guy that plaintiff was talking to, his name is Eddie; they asked for his last name; plaintiff said that plaintiff did not know what it was; they asked who else; plaintiff said that Eddie was the only person that plaintiff knew of and that being that plaintiff did not know his last name they will have to take plaintiff's word for it; plaintiff was asked to step outside, which plaintiff did.

Plaintiff asked Mr. Reilly why he wrote the report on plaintiff for refusing to accept the property; he said, in order to put it on record; plaintiff asked why; he said that the property was packed downstairs and if anything is missing it is from downstairs; plaintiff said, but they process the property up here, why couldn't plaintiff be present when that was being done; he said that it was not done like that up here. Plaintiff was called back to the adjustment committee and was asked to describe Eddie to them; plaintiff said that Eddie had sortish red hair and he works in the school as a clerk. The Lieutenant said he would investigate it and call plaintiff back; plaintiff asked how long that would take; he said that it depends upon how long it takes to find Eddie and when they can see plaintiff again because they have other problems concerning the inmate population. Plaintiff thought for a couple of

minutes and said that Eddie's last name is Nella; he said spell it; plaintiff said Nella or Neilla, or Neilla; he wrote it down and he said they will check it out and call plaintiff back. (Nothing else was said about plaintiff's refusing the property because the whole matter was concerned with plaintiff's being in the special housing unit.)

Plaintiff was returned to plaintiff's cell in the special housing unit and shortly thereafter, the negro (Ford), whom plaintiff had the fight with, walked past the plaintiff's cell with a blanket wrapped around his waist and wearing nothing else except his shoes, and accompanied

by two officers.

Plaintiff received a note from the Superintendent, Mr. Henderson, dated August 26, 1974 which informed plaintiff that plaintiff's transfer to the special housing unit was according to law, (Exhibit #69).

On August 27, 1974 plaintiff spoke to Lieutenant Costello, at about 9:30 A.M., about Eddie; and he said that he had not spoken to Eddie yet and that he will try to get over to the school today or tomorrow and he will write a report for the adjustment committee. Plaintiff asked about plaintiff's property; the lieutenant said that if plaintiff was missing anything a report ~~will~~ would go to the Superintendent and he will check it out and that the report written on plaintiff was only an infraction and will most likely just go on plaintiff's record.

In the afternoon plaintiff asked officer Dan Poole if plaintiff could get plaintiff's property; the officer said no; plaintiff inquired why not; the officer said that it was offered to plaintiff once before and plaintiff refused it and now a lieutenant has to tell him to give it to plaintiff.

Plaintiff wrote a letter to the Superintendent, Mr. Robert J. Henderson, and explained to him what had happened in the mess hall on August 22, 1974, and suggested that he teach his sergeants and officers how to break up a fight, and that he was violating plaintiff's rights and the law, (Exhibit #70).

In the morning of August 28, 1974 plaintiff spoke to sergeant John Cacciotti about the feeding situation in the mess hall and he said that he could do nothing about it because it is the policy of the institution to run it that way and that if plaintiff wrote to the Superintendent about it he would support it.

In the afternoon plaintiff spoke to Lieutenant Morris about plaintiff's property and we reached an agreement on that matter and plaintiff mentioned the law concerning the special housing unit and that the authorities are violating plaintiff's rights and the law; he said "Bring us to court then." Plaintiff said that is where you are going and to keep plaintiff's property.

Approximately 7:00 P.M., plaintiff spoke to sergeant Athens about the feeding situation, we discussed the good and bad points of it for a few minutes until he remarked about the childish way the inmates acted, plaintiff said that plaintiff did not blame them for acting like children because that is the way they are treated by the Service Unit, the officers, the sergeants and the lieutenants, that the inmates here cannot be compared to the inmates in Clinton because up there they are men and not with the inmates in Naparack and there are 16 year old kids down there who act more mature than the inmates here, here the sergeants do not know what they are doing half the time nor the officers, and the lieutenants will not talk to anyone in the yard (from what plaintiff has seen) so how else do you expect them (the inmates) to act, except like children. We had nothing to say about that so we kicked ^{plaintiff's} suggestion about the mess hall around a couple of minutes more and then he left.

Plaintiff received a note from Mr. Robert J. Henderson, Superintendent, dated August 28, 1974 which informed plaintiff that "Any altercation in the mess hall is considered a grave situation based on

past occurrences." (Exhibit #11).

Plaintiff wrote to Mr. Robert J. Henderson, Superintendent, and explained to him that plaintiff was not talking about "past occurrences" but what happened on August 22, 1974 and suggested a remedy for the feeding situation in the mess hall, and that he was violating the law, (Exhibit #72).

On August 29, 1974 plaintiff wrote to Mr. Robert J. Henderson, Superintendent, and explained to him that he was violating plaintiff's rights and the law, (Exhibit #73).

On August 30, 1974 plaintiff received a letter from Edward Novanic which inquired if plaintiff had received the package he had sent to the plaintiff.

Plaintiff was given plaintiff's property by officer Dan Lurie.

On September 1, 1974 plaintiff wrote a letter to Mr. Robert J. Henderson, Superintendent, and explained to him that according to Section 250, 2(1), he was violating plaintiff's rights and the law, (Exhibit #75).

On September 2, 1974 plaintiff sent Mr. Robert J. Henderson, Superintendent, a note explaining that part of which plaintiff left out of plaintiff's letter of September 1, 1974, (Exhibit #76).

On September 3, 1974 plaintiff spoke to Lieutenant Costello and he said that plaintiff's witness (Eddie) had said just about what plaintiff had said and that the adjustment committee should see plaintiff tomorrow because the committee meets once a week.

Plaintiff resubmitted the Affidavit in Civil Rights Complaint, and sent a copy to the Federal Southern District Court of New York, the Attorney General of the State of New York, and a copy to each of the herein mentioned defendants.

On September 4, 1974 plaintiff spoke to Lieutenant Costello and he said that plaintiff might see the adjustment committee today, but the holiday might have messed up the procedure, if not today maybe tomorrow.

On September 5, 1974 plaintiff appeared before the adjustment committee, Lieutenant Norris acting at its head; he said that since plaintiff has been up here plaintiff has been explaining the law to everybody and the law says that plaintiff is supposed to see the adjustment committee once a week and that this is plaintiff's once a week meeting and that plaintiff most likely was going to do thirty (30) days. Plaintiff asked, for what? He said for fighting in the mess hall. Plaintiff said that it was not plaintiff's fight, plaintiff did not start it, plaintiff did not push the other inmate almost across the table; what was plaintiff supposed to do when somebody pushes plaintiff almost across a table, stand there? He shrugged his shoulders. Plaintiff told him to keep his thirty (30) days plaintiff wanted sixty (60) days because the thirty (30) days is like his justice, it's petty, and plaintiff walked away. He did not read Lieutenant Costello's report.

At 1:58 P.M. Lieutenant Norris walked past the plaintiff's cell and plaintiff called him and told him what plaintiff thought about his punishment and he said that plaintiff does not have to go to the adjustment committee anymore when they call plaintiff.

Plaintiff received a note from Mr. Robert J. Henderson, Superintendent, dated September 4, 1974 which informed plaintiff he will stand firm in the action taken by the officer and

sergeant in placing the plaintiff in the special housing unit and that he will try to have the situation in the mess hall remedied, (Exhibit #77).

Plaintiff also received a note from Mr. Robert J. Henderson, Superintendent, dated September 4, 1974 which informed plaintiff that he believes in the actions of the officer and sergeant in placing the plaintiff in the special housing unit and that he finds nothing in plaintiff's behavior in violation of the rules and regulations of the department and that had plaintiff not received a misconduct charge, plaintiff would not be in the special housing unit at the present time, (Exhibit #78).

(Mr. Henderson is referring to the infraction plaintiff received for refusing the property on August 24, 1974 which is contrary to the reason he gave in his note of August 28, 1974, exhibit #77).

On September 6, 1974 plaintiff wrote to Mr. Robert J. Henderson, Superintendent, and explained to him what took place at the adjustment committee on September 5, 1974, and requested that he tell the adjustment committee to defer acting on plaintiff's case for 60 or 90 days because since plaintiff could not have his justice plaintiff does not want his punishment, (Exhibit #79). Plaintiff wrote a similar letter to Lieutenant Norris, (Exhibit #80).

Plaintiff submitted an Affidavit in Amendment to the Civil Rights Complaint of September 3, 1974; in the evening plaintiff received the Affidavit in Civil Rights Complaint back from the Federal Southern District Court of New York, because plaintiff again did not follow procedure when suing an agency of the United States. (And plaintiff will learn the difference between State and Federal Procedure.

On September 11, 1974 plaintiff was asked if plaintiff wanted to go see the adjustment committee; plaintiff replied, no thank you. (Plaintiff believes that plaintiff would have been released from the special housing unit, either that day or the next day, because the adjustment committee was held by Lieutenant Costello, and Lieutenant Norris had said that plaintiff most likely will be doing thirty (30) days, and plaintiff believes that Lieutenant Norris said that because plaintiff tried to explain the law to him.)

Plaintiff received a note from Mr. Henderson which tends to show that he was going along with Lieutenant Norris's decision, (Exhibit #81), or plaintiff's request for the sixty (60) or ninety (90) days.

On September 19, 1974 plaintiff did not go to the adjustment committee when plaintiff was requested to see them.

On September 20, 1974 plaintiff received the three (3) books entitled "Plumbers and Pipe Fitters Library" from ITT, Howard W. Soma & Co., Inc.

On September 21, 1974 plaintiff received the Amendment to Affidavit of Civil Rights Complaint, back from the Federal District Court, Pro Se Clerk, which plaintiff submitted on September 6, 1974.

On September 25, 1974 plaintiff did not go to the adjustment committee when requested to see them.

On September 29, 1974 plaintiff overheard two (2) officers talking about what

happen to plaintiff if plaintiff continued to refuse to appear before the adjustment committee. (Which had an effect on the plaintiff and, one thing being ~~it~~ more important than remaining in the special housing unit, or someplace else in this facility, is that plaintiff is not supposed to be in this facility in the first place.)

On September 30, 1974 plaintiff asked Lieutenant Costello if he was holding the adjustment committee today; he replied, no, not today.

On October 2, 1974 plaintiff appeared before the adjustment committee with Lieutenant Norris acting at its head. Plaintiff apologized to the ¹ for plaintiff's not submitting to his ill treatment on September 5, 1974. He said the time of plaintiff's being in the special housing unit was plaintiff's fault and that he thought he had done right; plaintiff told him that he should have read Lieutenant Costello's report. He said that based on plaintiff's past record he thought that he done right and maybe he should read the list of reports that plaintiff received since "66"; plaintiff told him to read from May 8, 1973. He said, but there is a long list of reports from "66" that he had to consider; plaintiff said that he should have read Lieutenant Costello's report about what happened this time not since "66", we are not talking about what happened then, we are talking about what happened now. He said fighting in the mess hall is a serious offence anyhow; plaintiff said that it was not plaintiff's fault, plaintiff did not start it, plaintiff did not push the other guy almost across a table; what was the plaintiff supposed to do just stand there and let the other guy push plaintiff around? He said he did not say that Ford was sane and that he does not know what happened in the mess hall that day; plaintiff told him that he should have read Lieutenant Costello's report about what happened in the mess hall, and besides that you are right in what you done and we should stop discussing this unpleasant subject, your right and lets drop it. After a few seconds pause, he asked where was plaintiff working; plaintiff said maintenance plumbing; he asked if plaintiff wanted to return there; plaintiff replied yes; he said that he will try to have plaintiff returned to population by Friday; plaintiff thanked him and left.

On October 3, 1974 plaintiff left the special housing unit and was returned to the maintenance plumbing shop.

On October 4, 1974 plaintiff wrote a "Interview Slip" to the Correspondence Department of this facility, (Exhibit #82). On October 7, 1974 plaintiff wrote another "Interview Slip" to the Correspondence Department, (Exhibit #83). Mr. J. E. La Valle is the Superintendent of Clinton Correctional Facility, which makes him a "Government Executive", see Sostre v. McSkinner, 442 F. 2d 178, 203 (1971, 2nd Circuit). See Exhibit #84.

IX

Anthony Regina, - who seems to be acting as some kind of an agent for the State - was the reason for the plaintiff's being transferred from the Eastern New York Correctional Facility, and he does not meet the criteria for transfer to the Eastern New York Correctional Facility.

Prior to Anthony Regina's arrest for murder in the first degree, for which he received a life sentence of imprisonment, he was connected to the Joseph (Crazy Joe) Hill's mob, and since he has been incarcerated in the State Prison (Correctional) System, he has been treated for diabetes while he was in Clinton Correctional Facility, he was a permanent patient-resident in the hospital at Clinton and worked as an inmate-nurse, Regina was receiving "talwin" (a substitute for morphine) daily because of a damaged right knee which denied him flexion of it, torn ligaments, bones fractured, etc., and he received a operation in the Plattsburgh Hospital in 1972 on it.

Regina has had trouble in Clinton with inmates because of his agitating and squealing habits, he has had a number of inmates transferred from Clinton to other facilities because of stories he has either made up or he had grossly exaggerated the real facts because he had had personal trouble with them.

In a nine (9) month period, beginning in September of 1973, Regina was transferred from the Clinton Correctional Facility to the Attica Correctional Facility where he was made a inmate-nurse in the facility's hospital, he had a fight with another inmate, he caused trouble within the administration at Attica, and he had a number of inmates transferred to other correctional facilities because he personally had trouble with them or he had again grossly exaggerated the real facts, before he was transferred to the Wallkill Correctional Facility, where he either caused trouble or had trouble about his agitating and squealing habits because he remained there a very short time before he was transferred to the Eastern New York Correctional Facility, where he was immediately placed in "Block 10" (the box, or solitary confinement, or segregation), and after a few days Regina was placed in the facility's hospital as a permanent resident and inmate-nurse.

X

In Holt v. Gurnea, 309 F. Supp. 362 (E.D. Arkansas, 1970), modified in part, 442 F.2d 304 (8th Cir. 1971), it is said: -

"The use of trusty guards is universally condemned by penologists, ... According to Director Bennett ... The reasons for penological disapproval of the use of trusty guards are that it creates an unhealthy prison climate and atmosphere; it breeds fear and hatred between the guards, on the one hand, and those guarded, on the other hand; it tends to be brutal and to endanger the lives of inmates who live and work "under the guns" of

other convicts; and it leads to other abuses.

"In this connection it may be observed that some inmates of the Penitentiary have refused to accept trusty guard status due to their feeling that it is "wrong" for one convict to guard another and to their fear of what might happen to them should they ever be demoted to the ranks. And Mr. Bennett testified that when he was head of the Bureau of Prisons, it was frequently necessary to take strong protective measures with respect to inmates of federal prisons who had formerly been trusty guards....

"Apart from the use of trusties as guards, they can be given too much authority in other areas of prison life. When that is done, various abuses come into existence....

"In a very real sense trusty guards have the power of life and death over inmates...."

Id. at 373-374.

"By virtue of their position of authority and the functions they perform trusties can make or break rankers and "do pops". They can make prison life tolerable or they can make it unbearably hard. They can and do sell favors, easy jobs, and coveted positions; they can and do extort money from inmates on any and all pretexts...." Id. at 375.

"Not only can the trusties prevent a ranker from getting into contact with a civilian employee; they can and frequently do bring unwarranted discipline down on the head of a ranker by "writing him up" for unsatisfactory work or refusal to work; their reports are frequently, if not usually, taken at face value by the employees to whom they are made."

Id. at 375.

XI

The criteria that has to be met before an inmate can be transferred to the Eastern New York Correctional Facility, is that the inmate must be under thirty (30) years of age, he must have a field of interest which can be studied or learned at the vocational school at Eastern, and have nine (9) months or more to his Conditional Release or Maximum Expiration Date.

The transfer criteria for the Correctional Center for Medical Services at Beacon was established as: physically handicapped, medium or minimum security, any age.

Due to Regina's physical condition and his agitating and squealing habits, it would seem that the best place for Regina to be placed is at the Correctional Center for Medical Services at Beacon, where Regina would most likely be more secure from being confronted with accusations concerning his past actions and receive proper medical attention.

Regina does not meet the criteria for Eastern because of the aforesaid facts about his physical condition and he is in his late thirties (30's).

Plaintiff estimates at least ten (10) other inmates are presently confined at the Auburn Correctional Facility who were transferred here because of Regina's "story-telling".

XII

Plaintiff's exhibit numbers, 3, 6, 7, 8, 9, 10, 11, 12, 19, 20, 31, 22, 26, support the plaintiff's claim that plaintiff was not afforded any due process or the equal protection of the laws before plaintiff was transferred from the Eastern New York Correctional Facility to the Auburn Correctional Facility on May 11, 1974, or after the plaintiff's transfer.

In Dehner v. Pash, 311 F. Supp. 482 (1974), the Federal Northern District of Indiana ^{Court} said:

"The government has three important interests at stake: (1) effective administration of the prison, (2) 'effect that the introduction of procedural safeguards may have on legitimate prison functions', Landman v. Registry, 333 F. Supp. 631, 652 (E.D. Va. 1971), and, (3) most important, rehabilitation of the prisoner.' Croom v. Manson, 367 F. Supp. 586 (D. Conn. 1973)." *Id.* at 489.

In Newkirk v. Butler, 364 F. Supp. 497 (S.D.N.Y. 1973), District Judge Robert J. Ward said:

"Throughout this balancing process, the touchstone is fundamental fairness; if the most element rules of fairness are violated, unwaranted by the exigencies of the situation, then the requisite due process has not been accorded. This assessment of fundamental fairness begins at the most basic level. Prisoners are entitled to know what the rules are, what actions will be met with sanctions. They are entitled to know the general range of sanctions that may be imposed for given offenses. They are entitled to know before punishment is imposed, the charges against them, and to explain their behavior, before a relatively impartial tribunal. If the situation is such that prompt action is essential, the proper hearings must follow as soon as practicable. This is not to say that a "full due process hearing" is required, but simply procedural safeguards appropriate to the prison setting and sufficient to ensure against arbitrary action based upon erroneous information." *Id.* at 502-503.

There seems to be a great deal of "erroneous information" in the plaintiff's case. The reason given by James Hower, assistant to Deputy Commissioner Elmer, to Mr. Joseph Egge, Administrative Aide, of the Legal Aid Society, Prisoners' Rights Project, on June 14, 1974, that plaintiff was transferred from Nagawick because the plaintiff was involved in a fight with another inmate (Exhibit #28), is denied by the reason given in the "Good Behavior Allowance Report"; "Improved attitude, no reports in over a year" (Exhibit #27), and fighting with another inmate involves a written report by the officer who witnessed the fight.

"Appellants argue that a hearing may be constitutionally required for 'disciplinary transfers' - i.e., transfers made as punishment for past violations. See 7 N.Y.C.R.R. § Part 250, et. seq. They urge that transfers for other purposes (e.g., transfers to separate inmates who are hostile to each other or to prevent threatened disturbances before they occur, which involve no formal disciplinary proceedings, loss of good time, segregation, or adverse consequences) be classified as purely 'administrative' and left within the exclusive discretion of prison officials. Besides being inappropriate in these cases, appellants argue, notice and a hearing ^{must} touch off exactly the disturbance which a transfer could avoid.

"Classification by label (e.g., as 'administrative' or 'disciplinary') may facilitate prison administration but it can not be used as a substitute for due process. In our view appellants position gives insufficient consideration to the very real loss that an inmate may suffer when his transfer is not part of formal proceedings and has no adverse parole consequences. It also overlooks the danger that a transfer, when based on rumor or 'confidential' information about an inmate's behavior, past or planned, may be arbitrary and unjustified by the facts. These factors, the adverse consequences to the prisoner and the chance of error are the principal elements to be considered in determining what process is due the transferred prisoner, rather than the label put on the transfer. Where the prisoner suffers substantial loss as a result of the transfer, he is entitled to the basic elements of rudimentary due process, i.e., notice and an opportunity to be heard. See *Homes v. Travisano*, 490 F.2d 1209 (1st Cir. 1973); *Ault v. Holmes*, 369 F. Supp. 208, 288 (W.D. Ky., 1973); *Hoitt v. Vitek*, 361 F. Supp. 1328 (D.D. ¹²³⁰ ~~Mass~~ 1973); *Cepiton v. Miller*, 360 F. Supp. 64 (S.D. Iowa 1973); *Cepiton v. Capp*, 356 F. Supp. 363 (D. Ore. 1973). See also *Landman v. Royce*, 333 F. Supp. 621, 645 (E.D. Va. 1971) (questioning distinction between deprivations constituting 'punishment' and those presented as techniques for the maintenance of 'control' or 'security'). While no formal

disciplinary proceedings were involved in the present case the district court found that Newkirk was deprived of living conditions and job and training opportunities for which he had waited for six years and which he was apparently eager to retain. Since this was a substantial loss he was entitled to know the reasons for the transfer, to be heard, and to be permitted to demonstrate the existence of factual error in the basis for the discharge. Since his right to minimum due process is clear in the circumstances of this case, it becomes unnecessary for us to decide whether some form of due process is required in the case of every transfer of a prisoner. See *Homes v. Travisano*, *supra* at pp. 1213-14.

"Nor can a denial of due process to Newkirk be justified on the ground that his transfer was intrastate rather than to a prison outside the state (the situation in *Homes*), since the

deprivation in both cases were, as a practical matter, equally severe. See *Stone v. Egeler*, — F. Supp. —, 3 Prison L. Rep. 84 (W.D. Mich. Dec. 18, 1973); *Aikens v. Lash*, 371 F. Supp. 482 (N.D. Ind. 1974); *White v. Hillman*, supra. In a prison, getting what liberty is by necessity shrunk to a small set of minor amenities, such as work or schooling privileges, visitations, and some modicum of privacy, it is likely that any marked change of status which first loses such liberties will be perceived and felt as a grievous loss. *Palmigiano v. Porter*, 487 F.2d 1280, 1281 (1st Cir. 1973). See also *Diamond v. Thompson*, 364 F. Supp. 659, 664 (N.D. Ala. 1973). Indeed, in light of our decision that a substantial deprivation of benefits and privileges within the prison walls itself entitles a prisoner to some form of due process, see *Bostrum v. Mc Kenzie*, 442 F.2d 173 (2d Cir.) cert. denied, 404 U.S. 854 (1971), it would be something of a paradox if prison authorities could by transferring a prisoner for disciplinary reasons to another institution (within or without the state) deprive him of due process rights to which he would be entitled upon a transfer within the prison itself.

"Fundamental fairness furthermore requires that substantial deprivations 'should at least be premised on factually determined.' See *Bostrum v. Mc Kenzie*, supra at 178; *United States ex rel. Campbell v. Pate*, 401 F.2d 53, 57 (7th Cir. 1968) ('the relevant facts... must not be... capriciously or unreliably determined'); *Dann v. California Dept. of Corrections*, 400 F.2d 340, 342 (9th Cir. 1968); *Skilton v. United States Board of Prison*, 128 U.S. App. D.C. 311, 358 F.2d 567, 576 (D.C. Cir. 1966) (en banc). Here the mod. for at least a rudimentary hearing with Neuhack afforded a reasonable opportunity to explain his activities, was obvious. ... Where no hearing at all is granted and the inmate is never given any opportunity to respond to or contradict reports of his activities, the risk of such mistakes is substantial. See *Gomez v. Travisano*, 353 F. Supp. (D.R.I.) aff'd 490 F.2d 1209 (1st Cir. 1973)."

XIII

Plaintiff was not going to raise this point until plaintiff received the letter from Mr. Patrick (Exhibit #43), which informed plaintiff that if plaintiff did not receive the packages within a reasonable time plaintiff is to write to the Deputy Superintendent of Administration about it, when they did give any consideration to Mr. Patterson's letter of July 8, 1974 (Exhibit #42), and the defendant Prisoner has already received two (2) other Affidavits in Civil Rights Complaints from plaintiff and he has still not made any effort to "find" plaintiff's packages, and he knows that plaintiff intended to bring him to this Court over the "lost" packages.

A reasonable time would have been fourteen (14) or twenty-one (21) days after the packages were mailed to the plaintiff.

Plaintiff's exhibits 13, 15, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 45, 46, 47, 48, 49, 50, 51,

54, 74, show that the defendants, thru their agents, have withheld plaintiff's money and stamp account on unreasonable time, and are still withholding plaintiff's packages from the plaintiff, and have returned the packages to the people that sent them to the plaintiff.

XIV

In *Bestre v. Ruchfelser*, 312 F. Supp. 863 (S.D.N.Y., 1970), it is said at 884:

"Such injunctions issue, as a matter of right, where a violation of constitutional rights have been proved."

Plaintiff believes he has shown violations of the plaintiff's Constitutional Rights.

XV

In Mr. Edward M. Carroll's letter dated June 13, 1974 (Exhibit #26), he said:

"You were transferred to Auburn Correctional Facility on May 11, 1974 because in our judgment you have the potential for a more productive and meaningful adjustment at that facility. We have known you since September 1965 and it is the Department's responsibility to assist you in every way possible in the attainment of worthwhile goals during your confinement. For us to be of service to you, requires your trust and confidence in us. Do your best at Auburn and perhaps at a later date you can consult your Correctional Counselor for an evaluation of your progress with a view to determining your suitability for programs at our other facilities."

And he really expects the plaintiff to have "trust and confidence" in them after the defendants denied the plaintiff the freedom of speech, the due process of law, the equal protection of the laws, and inflicted cruel and unusual punishment on the plaintiff, and, thru their agents, have and are still withholding the plaintiff's packages, and have returned packages to the people who sent them to the plaintiff. And how is the plaintiff supposed to improve himself, when there is not a vocational plumbing school at this facility? Is the plaintiff supposed to work in the maintenance plumbing shop here - when the reason plaintiff requested the transfer to the Eastern Correctional Facility was because he wanted to learn more about plumbing - when plaintiff had worked for ten (10) months in the plumbing shop at the Clinton Correctional Facility? And plaintiff's

Does the defendants and their agents not know that:

"For there is no virtue, the honour and credit for which procures a man more odium than that of justice; and this, because more than any other, it acquires a man power among the common

people. For they only honour the valiant and admire the wise, while in addition they also love just men, and put entire trust and confidence in them. They fear the bold man, and mistrust the clever man, and moreover ~~they~~ think them rather beholden to their natural complexion, than to any goodness of their will, for these speak more; they look upon valour as a certain natural strength of the mind, and wisdom as a constitutional acuteness; whereas a man has it in his power to be just, if he have but the will to be so, and therefore injustice is thought the most dishonourable, because it is least excusable." "Plutarch - The Lives of the Noble Grecians and Romans", "Cato the Younger", The Modern Library, New York, translated by John Dryden and revised by Arthur Hugh Clough, pages 943-944.

XVI

Section 23 (1) of the Correction Law gives the Commissioner of Correctional Services, defendant Prisoner Levin, the power to transfer any inmate from one facility to another facility at any time and for any reason. Plaintiff believes that the Commissioner's power should be restrained as to his transferring inmates from one facility to another facility for "discipline", "administrative" transfers without giving the inmate notice of a substantial reason for the transfer, an opportunity to challenge the reasons before an adjustment committee and produce evidence to support his challenge of the transfer.

XVII

Plaintiff believes that sufficient facts have been set forth herein which show that the plaintiff has, and is and will continue to suffer irreparable injury, and that there is a high probability that plaintiff will ultimately be entitled to the permanent relief sought, wherefore plaintiff seeks the preliminary injunctions.

XVIII

As a result of the unlawfully, unwarranted, illegal, willful and intentional deprivation by the defendants, and their agents, of plaintiff's rights secured by the Constitution and the laws of the United States, as aforementioned, plaintiff seeks the following reliefs:-

A declaration that the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974, was in violation of the Constitution and laws of the United States and a injunction directing the defendants to return the plaintiff to the Eastern New York Correctional Facility at Nanuet, N.Y., for educational purposes; and to expunge from all the records concerning the plaintiff, the reason for the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974; and to cease harassing the plaintiff, and returning packages that are addressed to the plaintiff to their original senders, and not to return from the plaintiff any packages that may be sent to the plaintiff by the

plaintiff's friends and other sources; and not to violate plaintiff's rights in the future.

And a preliminary injunction directing the defendant Prison, and his agents, to:

(a) Cease harassing the plaintiff, and returning packages that are addressed to the plaintiff to their original senders, and withholding from the plaintiff any packages that have been and may be sent to the plaintiff by the plaintiff's friends and other sources, and not to violate the plaintiff's rights in the future; and

(b) Return the plaintiff to the Eastern New York Correctional Facility, at Wapinook, so that the plaintiff may attend the vocational plumbing school.

Wherefore, the plaintiff respectfully request that the above mentioned reliefs be granted, and for such other and further relief as to this Court may deem just and proper.

Respectfully Submitted,

— Joseph Lutz — — — —

Plaintiff, Pro-Se
Auburn Correctional Facility
Box 618 - #65884
Auburn, N.Y. 13022

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

3 CC

Exhibit #1

AUBURN CORRECTIONAL FACILITY

This stub except your name and number
correspondent.
be used by inmate to whom issued.
the lines.
name and number at close of letter.

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary []

Check here if new
Address is permanent []

Date _____

Name _____

Number _____ Grade _____

Shop _____

Written by _____ No. _____
(Signature)

Addressed to:

Name _____

Street & No. _____

City _____ State _____

Relationship _____

Name Mr. Eugene E. Phillips, Senior Administrative Asst.

Street & No. Correctional Department, Central Office

City Albany State N.Y. (ZIP CODE)

When Replying Sign Your Full Name And Address
Give Inmate's Full Name And Number

13 STATE STREET
AUBURN, N.Y. 13022

Date April 6, 1974

Dear Mr. Phillips;

I am seeking a transfer to the Eastern Correctional Facility so that I may go to the vocational training school for plumbing. I have been requesting this transfer since July, 1973 and I have been put off by Mr. Garcia of the Service Unit of this facility because I had a bad adjustment record and that if I should bring a good report at the end of six (6) months he would try to transfer me to the Eastern Correctional Facility.

I have been working in the Light - Heat & Power shop since June of 1973 and I have brought back a good adjustment report.

On March 4, 1974 Mr. Garcia submitted a application for my being transferred to the Eastern Correctional Facility, to the Central Office of the Correctional Department in Albany, so that I may attend the plumbing school.

On March 4, 1974 the Central Office denied the application for the following reasons:

"Not Acceptable. Program of interest at Eastern Correctional Facility not specified. In view of his age and length of sentence, you may want to consider Auburn Correctional Facility."

I am twenty-seven (27) years old and I am doing a twenty (20) year to life sentence, I have been incarcerated since 1964 and I wish to really learn a trade that will help me when I get paroled. A check of your records should reveal that other inmates from this facility were transferred to the Eastern Correctional Facility who had longer sentences than mine, that they did not have in as much time as I have, and their adjustment record is not much better than mine, and in some cases inmates were transferred from Unit 14 (the "box") to the Eastern Correctional Facility.

(OVER) 44

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

I would deeply appreciate your granting the resubmitted application for my being transferred to the Eastern Correctional Facility for the reasons stated within the application and for the reasons that the majority of the inmates in this facility are second and third felony offenders, are older than myself and their conversation does not revolve around how hard they have worked to make a career of a trade for themselves - other than crime - which resulted in my withdrawing from their association and I would like to be around people of my own age who have similar desires to learn a trade.

Thanking you in advance for your time and assistance, I am,

Respectfully yours,

Joseph Lung

4254

CC

THIS LETTER IS RETURNED TO YOU BECAUSE

Exhibit #2

1. Sign properly.
2. Not lift out stub properly.
3. Letters addressed to General Delivery not permitted.
4. Letters containing Criminal or Prison News.
5. Begging for packages or money not allowed.
6. You are not permitted to receive the articles requested.
7. The articles requested can only be received from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

FRONT

New York, April 9, 1974 -

My Dear Joseph:

With great joy, I received your letter and we pray to God to keep you in good health, we are all right. Eddie went to buy something that you want, next week he try to get you the books, time it's really terrible, you must make it in a way or in another. The weather it's long, a spring one day, next day rain, cold, like winter time, and especially for me, remember when you are over 80 it's something, but I can complete, Edward it's in a hurry because he want to send this to you to-day, keep well, Go bless you we our all love, a kiss for you.

(Celina Ravani - signature)

We send you: one pin sleepers, candy (one pack) 1p. socks.

BACK

New York, April 9, 1974

Dear Joseph:

I'm glad to received your letter, we are fine, and we hope that you are in the same way. We know that you are all ready a man, with 39 years over your head, but inside of all men there it's a boy and vice-versa, don't be a fool, we are not pity for you, we love you and we remember you always, we feel pity for the deaths that are in the Cemetery all alone and sometimes forgotten....!

Well here goes the first part of your request, and in some time (short time) you will receive the books I hope to find it, O.K.? I like your draw but you miss in a point, I'm not a chef, I'm a waiter,! I can't write to much because I want to send this packet to-day, as you say stay and BE GOOD, but real GOOD, O.K.! with my best feelings, your friend

(Edward Ravani - signature)

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public

Subscribed and sworn to be a true copy of the
letter of Celina + Edward Ravani, dated
April 9, 1974.

Joseph Lutz

Box 618 - #65884
Auburn, N.Y. 13022

46
cc

Name IT, Howard W. Loma & Co. Inc.
Stre. 4300 West 62nd Street
City Indianapolis State Indiana 46268
[ZIP CODE]

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

@

Box R
Napamook, N.Y. (12458)
~~123456789~~
~~123456789~~

Exhibit # 3

Date April 25, 1974

Dear Sir;

Please find enclosed a check for fourteen dollars & forty-five cents (\$14.45), for the following books which are listed in your catalogue on page 20;

1 set of: - Plumbers and Pipe Fitters Library - ISBN: 0-672-23155-7

Thanking you for open time and assistance, I am

Respectfully yours,

Joseph Lung

Box R - #12715
Napamook, N.Y. 12458

Exhibit #4

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

From ~~TO:~~ Parole Office (La Hart)

to FROM: Joseph Lunny NO. 65584 DATE: 5-14-74

BLOCK E CO. 4 CELL: 2 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir;

I would appreciate your informing me of the NYSIS number that I am supposed to put on my legal mail

I would further appreciate your informing me of the reason why I was transferred from the Eastern Correctional Facility to this Facility on May 11, 1974.

Thank you

RECEIVED

DO NOT WRITE BELOW THIS LINE

6/78 init

MAY 11 1974
PAROLE OFFICE
Auburn Correctional Facility

- I have no information regarding your transfer from Eastern - possibly you could get this from your service unit counselor - drop him a tel. to the NYSIS 4 0448 133X.

Subscribed and sworn to before me
this 18 day of October, 1974.

Subscribed and sworn to be a true
copy of the Interview Request, dated
5-14-74

Dorothy J. Burns
Notary Public, State of New York
Qualified in Cayuga County
Commission Expires March 30, 1976

Signature of Official Notary Public

48
cc

Exhibit #5

To: Mr. William L. Wilkin, Service Unit

From: Joseph Lenz

#65884 E-4-2

May 16, 1974

Reception

Dear Mr. Wilkin

I received the note you sent me and there seems to be a problem.

When I was transferred from Eastern I was told that I was being transferred to another facility in order to attend school for plumbing. I would appreciate your looking farther into my folder and discern why I was transferred here.

If you will look at the dates that I requested to be transferred here you should note that the dates are more than seven (7) years old.

I will gladly work in the winter once plumbing shop until I am transferred back to Eastern.

Thank you,

cc

Exhibit #6

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

(State Seal) STATE OF NEW YORK
J.E. LAVALLEE DEPARTMENT OF CORRECTIONAL SERVICES
Superintendent CLINTON CORRECTIONAL FACILITY

May 7, 1974

Mr. Joseph Lunz
Box A - #13115
Eastern Correctional Facility
Naparack, New York 12458

Dear Mr. Lunz:

This is in reply to your recent communication wherein you request that we forward to you a package mailed to this facility by your sister.

A check with our Package Room shows that a package was forwarded to you at the Eastern Correctional Facility on April 12, 1974. It is suggested that you contact the authorities at Eastern regarding this matter.

Very truly yours,
J.E. LaVallee (signature)
Superintendent

Rm:bc

Subscribed and sworn to be a true copy of the letter of J.E. LaVallee, dated May 7, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Notary Public
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lunz

Box 618 - #65884
Auburn, N.Y. 13022

50 CC

Exhibit # 7

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

AUBURN CORRECTIONAL FACILITY

INTER-DEPARTMENTAL COMMUNICATION

DATE: May 16, 1974

TO: Joseph Luns, #65884 F-4-2

FROM: Service Unit

SUBJECT:

A review of your folder indicates that the Albany Office did not feel you fit the criteria for Eastern. Upon re-submission, Albany apparently went along with the transfer. It would appear that Eastern questioned where you fit their criteria and you were then sent here.

I note that in the past, you have requested Auburn. Your name can be placed on the Plumbers' list and you may be able to work as a maintenance plumber or plumbers' assistant when there is an opening.

Let me know if you are still interested in plumbing.

William L. Wilkin

Correction Counselor

WW:me

Subscribed and sworn to be a true copy of the
Inter-Departmental Communication I received
from the Service Unit dated May 16, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Luns

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1432
Qualified in Cayuga County of
Commission Expires March 30, 1976

Box 618 - #65884

Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

cc

51

Exhibit # 8

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date 5-17-74
Name Joseph Lung
Number 65884 Grade _____
Shop Reception
Written by Joseph Lung No. 65884

If addressee has moved since last letter was mailed

Check here if new Address is temporary []

Check here if new Address is permanent []

Addressed to:

Name Commissioner of Correction
Street & No. Alfred E. Smith State Office Building
City Albany State N.Y. 12225
Relationship Legal

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

Name Commissioner of Correction
Street & No. Alfred E. Smith State Office Building
City Albany State N.Y. 12225
[ZIP CODE]

135 STATE STREET
AUBURN, N. Y. (13022)

Date May 17, 1974

Dear Sir;

On April 12, 1974 I was transferred from Clinton Correctional Facility to the Eastern Correctional Facility. While I was at Eastern I was polite to the officers and civilians, I done what I was told to do and I do not know of any reports having been written about me.

On May 9, 1974, I was packed up and told that I was being sent to a facility where I could study plumbing at a school. Said reason was the same reason I was sent to Eastern for.

I would appreciate your informing me of the reason I was transferred from the Eastern Correctional Facility to Auburn Correctional Facility on May 11, 1974.

Respectfully yours
Joseph Lung
65884

Subscribed and sworn to before me
this 17 day of May, 1974

(Elsine A. Graves - Signature)

ELAINE A. GRAVES

Notary Public, State of New York

Cayuga County #1436

My Commission Expires March 30, 1975

135 State Street

Auburn, N.Y. 13022

CC

Signature of Official Notary Public
at Auburn Correctional Facility.

Subscribed and sworn to before me
this 18 day of October, 1974.

Subscribed and sworn to be a true copy of
the letter notarized on May 17, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1432
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lung

Signature of Official Notary Public
at Auburn Correctional Facility.

Box 618 - # 65884

Auburn, N.Y. 13022

52 CC

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. If contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

Exhibit # 8

State of New York } ss:
County of Cayuga }

Affidavit of Service

Joseph Lutz, being duly sworn says:

That on the 17 day of May, 1974 he placed in the hands of the Notary Public at Auburn Correctional Facility, one (1) letter to be posted via first class mail postage prepaid, as directed below:

One (1) letter to

Commissioner of Correction
Alfred E. Smith State Office Building
Albany, N.Y. 12225

Subscribed and sworn to before me
this 17 day of May, 1974.

Respect Yours
Joseph Lutz

(Elaine A. Graves - signature)

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County #1436

#65584

Signature of Official Notary Public
at Auburn Correctional Facility.

My Commission Expires March 30, 1975

135 State Street

Auburn, N.Y. 13022

CC

Subscribed and sworn to be a true copy of the
Affidavit of Service notarized on May 17, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lutz

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1452
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 618 - #65584

Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

CC

53

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Exhibit #9

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Addressed to:

Name Mr. Eugene Phillips, Senior Administrative Assistant
Street & No. Correctional Department Central Office
City Albany State N.Y. 12245
Relationship Legal

Date 5-17-74
Name Joseph Lunny
Number 65884 Grade _____
Shop Reception
Written by Joseph Lunny No. 65884
(Signature)

When Replied Sign Your Full Name And Address.
Give Inmates Full Name And Number

★ Name Mr. Eugene E. Phillips, Senior Administrative Ass.
Street & No. Correctional Department, Central Office
City Albany State N.Y. 12245 (ZIP CODE)

135 STATE STREET
AUBURN, N. Y. (13022)

Date May 17, 1974

Dear Sir;

On April 12, 1974 I was transferred from Clinton Correctional Facility to the Eastern Correctional Facility.

While I was at Eastern I was polite to the officers and civilians, I done what I was told to do and I do not know of any reports having been written about me.

On May 9, 1974, I was packed up and told that I was being sent to a facility where I could study plumbing at a school. Said reason was the same reason I was sent to Eastern for.

I would appreciate your informing me of the reason I was transferred from the Eastern Correctional Facility to Auburn Correctional Facility on May 11, 1974.

Respectfully yours,

Joseph Lunny

#65884

Subscribed and sworn to before me
this 17 day of May, 1974.

(Elsine A. Graves - signature)

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County #1436
My Commission Expires March 30, 1975.

135 State Street
Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

cc

Subscribed and sworn to before me
this 18 day of October, 1974.

Subscribed and sworn to be a true copy of the
letter notarized on May 17, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
Qualified Nov. 1982
Commission Expires March 30, 1986

Joseph Lunny

Box 618 - #65884

Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

cc

54

THIS LETTER IS RETURNED TO YOU BECAUSE.

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.

9. Correspondence with newspapers - newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL Exhibit # 9

State of New York } ss. i.
County of Cayuga }

Affidavit of Service

Joseph Lungz, being duly sworn, says:

That on the 17 day of May, 1974 he placed in the hands of the Notary Public at Auburn Correctional Facility, one letter to be mailed via first class mail, postage prepaid, as directed below:

One (1) letter to:

Mr. Eugene E. Phillips, Senior Administrative Ass.
Correctional Department, Central Office
Albany, N.Y. 12225

Subscribed and sworn to before me
this 17 day of May, 1974.

(Elaine A. Graves - signature)
Signature of Official Notary Public
at Auburn Correctional Facility.

Respectfully yours,
Joseph Lungz

#65884

175 State Street

Auburn, N.Y. 13022

cc

Subscribed and sworn to be a true copy of the
Affidavit of Service notarized on May 17, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lungz

Dorothy J. Burns

Box 618 - #65884

Auburn, N.Y. 13022

cc

Signature of Official Notary Public
at Auburn Correctional Facility.

Notary Public in and for the State of New York
Commission Expires March 30, 1976

Exhibit #10

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date 5-17-74
Name Joseph Lutz
Number 65884 Grade _____
Shop Reception
Written by Joseph Lutz No. 65884
(Signature)

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Addressed to:

Name Mrs. J. W. Patterson, Superintendent
Street & No. Box R
City Napanoch State N.Y. 12458
Relationship Legal

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

Name Mrs. J. W. Patterson, Superintendent
Street & No. Box R
City Napanoch State N.Y. 12458
(ZIP CODE)

135 STATE STREET
AUBURN, N. Y. (13022)

Date May 17, 1974

Dear Sir;

I was transferred to your facility on April 12, 1974, from the Clinton Correctional Facility.
While I was in your institution I was polite to the officers and civilians, I done what I was told to do and I do not know of any report having been written about me.

On May 9, 1974, I was packed up and told that I was being sent to an institution where I could study plumbing at school. Said reason was the same reason I was sent to your institution in the first place.

I would appreciate your informing me of the reason I was transferred from your facility to Auburn Correctional Facility on May 11, 1974.

Respectfully yours,
Joseph Lutz

#65884

Subscribed and sworn to before me
this 17 day of May, 1974.

(Elaine A. Coates - signature)

Signature of Official Notary Public
at Auburn Correctional Facility.

ELAINE A. COATES
Notary Public, State of New York
Cayuga County #1436
My Commission Expires March 30, 1975

135 State Street
Auburn, N.Y. 13022

cc

Subscribed and sworn to be a true copy of the
letter notarized on May 17, 1974

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lutz

Box 618 - #65884
Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

cc

56

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. If contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL Exhibit # 10

State of New York } S.S.:
County of Cayuga }

Affidavit of Service

Joseph Lung, being duly sworn, says:

That on the 17 day of May, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, one (1) letter to be mailed postage prepaid, as directed below:

One (1) letter to:

Mr. J. W. Patterson, Superintendent
Box R
Napaville, N.Y. 12458

Subscribed and sworn to before me
this 17 day of May, 1974.

Joseph Lung #65884

(Elaine A. Graves - signature)
Signature of Official Notary Public
at Auburn Correctional Facility.

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County #1436
My Commission Expires March 30, 1975

135 State Street
Auburn, N.Y. 13022

cc

Subscribed and sworn to by a true copy of the
Affidavit of Service, notarized on May 17, 1974.

Joseph Lung

Subscribed and sworn to before me
this 18 day of October, 1974.

Box 618 - #65884
Auburn, N.Y. 13022

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
Qualified in Cayuga County
Commission Expires March 21, 1976

Signature of the Official Notary Public
at Auburn Correctional Facility.

cc

59

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

Exhibit #11

1. sign properly.
2. fill out stub properly.
3. Letters addressed to General Delivery not permitted.
4. Letters containing Criminal or Prison News.
5. Begging for packages or money not allowed.
6. You are not permitted to receive the articles requested.
7. The articles requested can only be received from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. In care of letter for you did not sign his name.
12. Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE WITH PERSONNEL

Mr. J. Asterson, Superintendent
Eastern Correctional Facility,
Box 8
Napaville, W. 1458

22-57-37th Street

Astoria, Ill. 11103

May 31, 1974

Re: Joseph Lunz - #65884

Dear Sir:

I am writing in reference to the above named who is presently an inmate at Auburn Correctional Facility. I am a friend of Mr. Lunz and correspond regularly with him. The reason for this letter is to ascertain the reason for his being transferred from your facility or Eastern to the Auburn Facility.

Mr. Lunz informs me that the transfer occurred in an extremely short time and that it has distressed him to a great degree. He had been waiting a long time to go to the Eastern Facility and is hoping that he will be able to return in the near future. He was told that the reason for his transfer was so that he could attend plumbing school at Auburn but that was his reason for requesting to go to Eastern in the first place.

I would appreciate your sending me a reply to my letter as I am concerned with Mr. Lunz' well being and hope that I may be able to reassure him in some small way.

Thanking you, I remain

Very Truly Yours,

Subscribed and sworn to before me
this 18 day of October, 1974

Subscribed and sworn to be a true copy of the letter
of Vicki Cummings, dated May 21, 1974.

Dorothy J. Burns
Signature of Official Notary Public

Joseph Lunz

Box 618 - #65884

Auburn, N.Y. 13022

Exhibit # 11

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

32-57-37th Street

Astoria, N.Y. 11103

May 21, 1974

Mr Peter Pitzer

Commissioner of Correction

A.E. Smith State Office Bldg

Albany N.Y.

Re: Joseph Lutz - #65834

Dear Sir:

I am writing in reference to the above named who is presently an inmate at Auburn Correctional Facility. I am a friend of Mr. Lutz and correspond regularly with him. The reason for this letter to you is to ascertain the reason for his being transferred from Eastern Correctional Facility to his present location.

Mr. Lutz informs me that the transfer occurred in an extremely short time and that it has distressed him to a great degree. He had been waiting a long time to go to Eastern and is hoping he will be able to return there in the near future so he may begin plumbing school.

I would appreciate your sending me the reply to the question if possible as I am concerned with Mr. Lutz' well being.

Thanking you, I remain gratefully,

Subscribed and sworn to be a true copy of the
Letter of Vicki Cummings, dated May 21, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1422
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lutz

Box #18 - #65834

Auburn, N.Y. 13023

CC

Signature of Official Notary Public
at Auburn Correctional Facility.

54

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Exhibit #13

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

⊙ Name Mr. J. W. Patterson, Superintendent
Street & No. Box R
City Napavich State N. Y. 12458
(ZIP CODE)

When Replying Sign Your Full Name And Address.
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date May 25, 1974

Dear Sir:

On April 12, 1974 I was transferred from the Clinton Correction Facility to the Eastern Correctional Facility.

On April 9, 1974 Mrs. Gloria Baroni, 31-38-79 Street, sent me a package while I was at the Clinton Correctional Facility.

On May 1, 1974 I received a visit from Mrs. Baroni and her son at your facility and was informed that the package was sent to Clinton, so I wrote a letter to Mr. J. E. LaVelle, Superintendent of Clinton Correctional Facility and inquired about the package. I received a letter from Mr. LaVelle, while I was at your facility, dated May 7, 1974, but since I was awaiting transfer to Auburn Correctional Facility the next morning, May 11, I could not bring this matter to your attention, the letter says, in part:

"A check with our Package Room shows that a package was forwarded to you at the Eastern Correctional Facility, on April 12, 1974.

It is suggested that you contact the authorities at Eastern concerning this matter."

As you know, I was transferred from your facility on May 11, 1974; and the package from Mrs. Baroni has not been given to me at this present time, so I would appreciate your looking into this matter for me and inform me of what you have found out so that I may contact the Postal Authorities and have them investigate this matter.

The package that was sent to Eastern from Clinton may not have been the package from Mrs. Baroni, because I received two (2) books from different companies a short time after I arrived at Eastern from Clinton, but just to be sure of what packages were received at your facility I am requesting your assistance concerning this matter.

Thanking you, in advance, for your time and consideration, I am

Respectfully yours,

Joseph Lutz

#65854

135 State Street
Auburn, N. Y. 13022

cc 60

Exhibit #14

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Wilkin, Service Unit
FROM: Joseph Lenz NO. 65834 DATE: 5-30-74
BLOCK C CO. 16 CELL: 31 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir,

I have been in this facility since May 11, 1974 and I have not seen the assignment board. I would appreciate your trying to have me placed in Maintenance Construction 2 for plumbing or if it is possible Plate 2.

I do not receive money from my friends or my home and I do enjoy working instead of sitting in my cell doing nothing.

Thank you,

DO NOT WRITE BELOW THIS LINE

Exhibit #15

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State
Seal

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
EASTERN NEW YORK CORRECTIONAL FACILITY

JEROME W. PATTERSON Norwich, New York 12453 In Reply,
SUPERINTENDENT Tel. (914) 647-7400 Please Refer To
May 31, 1974

Mr. Joseph Lutz #65884
135 State Street
Auburn, N.Y. 13022

Dear Mr. Lutz:

I really expect that by now you have received the package sent to you by Celina Barani and
addressed to Clinton Prison.

Yes, the package was forwarded to you here by Clinton; however, inadvertently it was returned to
Clinton instead of being forwarded to Auburn.

Clinton has since advised us on the telephone that they then forwarded it to you at Auburn.
We are really sorry for this mixup.

Yours very truly;
(Signature)
J. W. PERRIN
Acting Superintendent

Vah
cc: Ms. Celina Barani

Subscribed and sworn to be a true copy of the
letter of J.W. Perrin, dated May 31, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns Box 618 - #65884
Signature of Official Notary Public Auburn, N.Y. 13022
at Auburn Correctional Facility.

CC 62

Exhibit #1

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. C. B. Jones, Director

FROM: Frank Taylor NO. 25824 DATE: 2-3-77

BLOCK C CO. 12 CELL 71 SHOP Paint Shop

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir,

I have been in this facility since May 11, 1974 and I have not seen the assignment board. I would appreciate your trying to have me placed in the Maintenance Construction 2 for plumbing, or if it is possible file 2.

I do not receive money from my friends or my home, and I do enjoy working instead of sitting in my cell doing nothing.

Thank you,

cc

63

Exhibit #17

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

~~CORRESPONDENCE DEPT. PERSONNEL~~

DATE 6/3/74
TO: Lunny, Joseph No. 65884 Cell 5

Your name has been added to Minit Cardst & Plate list. You will be scheduled to appear before the Program Committee when a vacancy does occur, and at that time your institutional program and adjustment to it will be reviewed. At that point, an assignment will be made.

(Signature)

Thomas Chery
Correction Counselor

Subscribed and sworn to be a true copy of the Note I
received from Thomas Chery, dated June 3, 1974.

Joseph Lunny

Box 615 - #65884
Auburn, N.Y. 13022

Subscribed and sworn to before me
this 18 day of October, 1974.

CC

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
Qualified in Cayuga County
Commission Expires March 30, 1976

Signature of Official Notary Public
of Auburn Correctional Facility.

Exhibit #18

AUBURN CORRECTIONAL FACILITY

On this stub except your name and number
of correspondent.
Letter must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary ☐

Check here if new
Address is permanent ☐

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

Name Commissioner of Correction
Street & No. Alfred E. Smith State Office Building
City _____ State _____ (ZIP CODE)

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date June 4, 1974

Dear Sir:

I have written you a letter dated May 17, 1974 and I have not as yet received an answer from you concerning the question that I asked you in the notarized letter. I would appreciate your answering this letter. I would appreciate your informing me of the reason why I was transferred from the Eastern Correctional Facility to the Auburn Correctional Facility on May 11, 1974. Thanking you, in advance, for your time and assistance, I am

Respectfully yours,
Joseph Lung

#65884

Subscribed and sworn to before me
this 4 day of June, 1974
(Elaine A. Graves - signature)
Signature of Official Notary Public

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County, #1436
My Commission Expires March 30, 1975

135 State Street
Auburn, N.Y. 13022 CC

Subscribed and sworn to be a true copy of the
Letter notarized on June 4, 1974.

Joseph Lung

Subscribed and sworn to before me
this 18 day of October, 1974

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1362
Qualified in Cayuga County
Commission Expires March 30, 1976

#65884

Auburn N.Y. 13022

CC

Signature of Official Notary Public
at Auburn Correctional Facility.

65

Exhibit #18

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State of New York } ss.
County of Cayuga }

Affidavit of Service

Joseph Lutz, being duly sworn, says:

That on the 4 day of June, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, one (1) letter with enclosed affidavit of service, with instructions to forward same via first class mail, postage prepaid as directed below:

One (1) letter to:

Commissioner of Correction
Alfred E. Smith State Office Building
Albany, N. Y. 12225

Subscribed and sworn to before me
this 4 day of June, 1974.

Joseph Lutz #45884

(Elaine A. Graves - signature)

Signature of Official Notary Public

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County, #1436
My Commission Expires March 30, 1975

135 State Street
Auburn, N. Y. 13022

cc

Subscribed and sworn to be a true copy of the
Affidavit of Service, dated and notarized on
June 4, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lutz

Dorothy J. Burns

Notary Public, State of New York
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 618 - #45884
Auburn, N. Y. 13022

cc

Signature of Official Notary Public
at Auburn Correctional Facility.

66

AUBURN CORRECTIONAL FACILITY

Write on this stub except your name and number.
 Address of correspondent.
 Letterhead must be used by inmate to whom issued.
 Write only on the lines.
 Sign your full name and number at close of letter.

Date _____
 Name _____
 Number _____ Grade _____
 Shop _____
 Written by _____ No. _____
 (Signature)

Exhibit #11

If addressee has moved since last letter was mailed

Check here if new Address is temporary []
 Check here if new Address is permanent []

Addressed to:

Name _____
 Street & No. _____
 City _____ State _____
 Relationship _____

When Replying Sign Your Full Name And Address
 Give Inmates Full Name And Number

Ⓢ Name Mr. Eugene E. Phillips, Senior Administrative Assn
 Street & No. Correctional Department, Central Office
 City Albany State N.Y. 12225
 (ZIP CODE)

@

135 STATE STREET
 AUBURN, N. Y. (13022)

Date June 4, 1974.

Dear Sir:

I have written you a letter dated May 17, 1974 and I have not as yet received a answer from you concerning the question that I asked you in the notarized letter, I would appreciate your answering this letter. I would appreciate your informing me of the reason why I was transferred from the Eastern Correctional Facility to the Auburn Correctional Facility on May 11, 1974. Thanking you in advance, for your time and assistance, I am

Respectfully yours,
 Joseph Lung

#65584

Subscribed and sworn to before me
 this 4 day of June, 1974.

(Flaine A. Graves - signature)

FLAINE A. GRAVES
 Notary Public, State of New York

135 State Street

Signature of Official Notary Public

day 462 County #1436
 My Commission Expires March 30, 1975

Auburn, N.Y. 13022 CC

Subscribed and sworn to be a true copy of the
 letter notarized on the 4 day of June, 1974.

Joseph Lung

Subscribed and sworn to before me
 this 18 day of October, 1974,

Box 618 - #65584

Auburn, N.Y. 13022

Dorothy J Burns

CC

Signature of Official Notary Public
 at Auburn Correctional Facility.

Commission Expires March 30, 1976

67

Exhibit 1119

THIS LETTER IS RETURNED TO YOU BECAUSE

- | | |
|--|---|
| 1. You did not sign properly. | 9. Correspondence with newspapers or newspaper employees not permitted. |
| 2. You did not fill out stub properly. | 10. You cannot have a visit with the person named in your letter unless approved by the Superintendent. |
| 3. Name of addressee has not been approved. | 11. Inmate who wrote letter for you did not sign his name. |
| 4. Letters addressed to General Delivery not permitted. | 12. Special Letters must be submitted Saturday, Sunday or Holidays. |
| 5. If contains Criminal or Prison News. | 13. You did not stick to your subject. |
| 6. Begging for packages or money not allowed. | 14. You have no stamps on deposit. |
| 7. You are not permitted to receive the articles requested. | |
| 8. The articles requested can only be received now from dealers. | |

CORRESPONDENCE DEPT. PERSONNEL

State of New York } SS. :
County of Cayuga }

Affidavit of Service

Joseph Lutz, being duly sworn, says:

That on the 4 day of June, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, one (1) letter with enclosed affidavit of service, with instructions to forward same, via first class mail postage prepaid, as directed below:-

One (1) letter to:-

Mr. Eugene E. Phillips, Senior Administrative Ass
Correctional Department, Central Office
Albany, N.Y. 12235

Subscribed and sworn to before me
the 4 day of June, 1974

Joseph Lutz
#65884

(Elaine A. Graves - signature)
Signature of Official Notary Public

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County
My Commission Expires March 30, 1975

35 State Street
Auburn N.Y. 13022

cc

Subscribed and sworn to be a true copy of the
Affidavit of Service notarized on June 4, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lutz

135 State Street
Auburn, N.Y. 13022

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1-82
Qualified in Cayuga County
Commission Expires March 30, 1976

cc

Signature of Official Notary Public
at Auburn Correctional Facility.

68

AUBURN CORRECTIONAL FACILITY
Write on this stub except your name and number
and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

Exhibit #20

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary []

Check here if new
Address is permanent []

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

Name Mr. J. W. Patterson, Superintendent
Street & No. Box R
City Napanoch State N. Y. 13438
(ZIP CODE)

135 STATE STREET
AUBURN, N. Y. (13022)

Date June 4, 1974

Dear Sir:

I have written you a letter dated May 17, 1974, and have not as yet received an answer from you concerning the question that I asked you in the original letter. I would appreciate your answering this letter.

I would appreciate your informing me of the reason why I was transferred from the Canton Correctional Facility to the Auburn Correctional Facility on May 11, 1974.

Thanking you, in advance, for your time and assistance, I am,

Respectfully yours,
Joseph Lunny

#65384

Subscribed and sworn to before me
this 4 day of June, 1974.

(Elaine A. Graves - signature)
Signature of Official Notary Public

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County, #1436
My Com. Expires March 30, 1975

135 State Street
Auburn, N.Y. 13022
CC

Subscribed and sworn to before me
this 18 day of October, 1974.

Subscribed and sworn to be a true copy of
the letter dictated on June 4, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1432
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 103 - #65854
Auburn, N.Y. 13022
CC

Signature of Official Notary Public
of Auburn, N.Y.

69

Exhibit #10

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee must be approved.
4. Letters addressed to General Delivery not permitted.
5. Mailings Criminal or Prison News.
6. Money for postage stamps not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Letters who wrote letter for you must sign his name.
12. Special letters must be signed Sunday, Monday or Holidays.
13. You did not send your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State of New York } 531
County of Cayuga }

Midnight of Service

Joseph Lutz, being duly sworn, says:

That on the 4 day of June, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, one (1) letter with enclosed affidavit of Service, with instructions to forward same via first class mail, postage prepaid, in duplicate to:

Wm. J. W. Patterson, Superintendent

Box 2

Auburn, N.Y. 13022

Subscribed and sworn to before me

this 4 day of June, 1974.

(Elaine A. Brown - signature)

Signature of Official Notary Public

Joseph Lutz

#65884

135 State Street

Auburn, N.Y. 13022

CC

ELAINE A. BROWN
Notary Public, State of New York
CAYUGA COUNTY, N.Y.
my exp. 12/31/75

Subscribed and sworn to be a true copy
of the Affidavit of Service authorized at
June 4, 1974.

Subscribed and sworn to before me this 18 day
of October, 1974.

Dorothy J. Burns

Joseph Lutz

Signature of Official Notary Public
at Auburn Correctional Facility

Box 1618 - #65884

Auburn, N.Y. 13022

CC

DOROTHY J. BURNS
Notary Public, State of New York
CAYUGA COUNTY, N.Y.
my exp. 12/31/76

Exhibit #21

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Clegg, Service Unit
FROM: Joseph Lung NO. 65884 DATE: 6-6-74
BLOCK C CO. 16 CELL: 31 SHOP Reception
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;

Please remove my name from the list for the
Plate 2 shop, I do not need money that bad.

I really want to learn plumbing.

Thank you,

cc

DO NOT WRITE BELOW THIS LINE

71

Exhibit # 22

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Nothing for packages of money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
EASTERN NEW YORK CORRECTIONAL FACILITY
Raphanoch, New York 13458
Tel. (641) 647-1400
June 7, 1974

State Seal
JENNIFER M. PATTERSON
SUPERINTENDENT
In Reply, Please Refer To

Mr. Joseph Lutz #4388
135 State Street
Auburn, New York 13022

Dear Mr. Lutz:
You were transferred to the Auburn Correctional Facility because the Department feels their program is better fitted to your needs.
I am assuming that you have been placed in the Phoning program there, and I am sure before long you will feel more "at home" at Auburn.

Yours very truly
(Signature)
J.M. Patterson
Superintendent

rah

Subscribed and sworn to before me
this 18 day of October, 1974

Subscribed and sworn to be a true copy of the
letter of J.M. Patterson, Superintendent, dated
June 7, 1974.

Dorothy J. Burns

Joseph Lutz

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 418 - 55884
Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

CC

Exhibit #33

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES
AUBURN CORRECTIONAL FACILITY
INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/10/74

TO: Joseph Lunz #65884 C-14-31
FROM: Service Unit
SUBJECT:

Your name is already on the Maintenance Construction list
and your name has been removed from the plate shop list as you requested.

Thomas Oberg
Correction Counselor

Tof/d

Subscribed and sworn to be a true copy of
the "Communication" I received dated
6/10/74.

Joseph Lunz

Subscribed and sworn to before me
this 18 day of October, 1974.

Box 618- #65884
Auburn, N.Y. 13022

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
Exp. 1982
Qualified in Cayuga County
Commission Expires March 30, 1976

CC

73

AUBURN CORRECTIONAL FACILITY
nothing on this stub except your name and number
an. the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

Exhibit #24

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary ☐

Check here if new
Address is permanent ☐

Addressed to:
Name _____
Street & No. _____
City _____ State _____
Relationship _____

Name Mr. J. W. Patterson, Superintendent
Street & No. Box 12
City Naparack State N. Y. 13458
(ZIP CODE)

When Replied Sign Your Full Name And Address
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date June 11, 1974

Mr. Joseph Lung

Dear Sir:

I was transferred to your facility on April 12, 1974. I was transferred to Auburn Correctional Facility on May 11, 1974.

Today, June 11, 1974, I was informed by the Steward's Office of this facility that I received \$10.38 from your facility, as the money I had in my account while I was at your facility.

When I went to the "Commissary" at your facility, I had \$10.47 on my account, I spent \$1.01 which left me with \$9.46, on May 8, the day before I was told I was being transferred.

On May 7, 1974 I received two (2) checks (I should say receipts for the checks), which totaled \$17.78, which, when added to \$9.46 comes to \$27.24.

You owe me \$6.86 in money and I also had approximately \$2.50 on my stamp account when I left your facility which I have not as yet received from your facility, I would appreciate your sending me my money and my stamp account at your earliest possible convenience.

Please be informed that I have received your letter of June 7, 1974 and it does not answer the question I asked in my letters of May 17, 1974, and June 4, 1974, i.e. "I would appreciate your informing me of the reason why I was transferred from the Eastern Correctional Facility to the Auburn Correctional Facility on May 11, 1974."

Please be informed that a carbon copy of this letter is being sent to Federal Bureau of Investigation, Civil Rights Division, Washington, D.C.

Yours truly,

CC: F.B.I., C.R.D.

Joseph Lung #65884

135 State Street

Auburn, N.Y. 13022

CC

74

Exhibit # 25

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.

2. You did not fill out stub properly.

3. Name of addressee has not been approved.

4. Letters addressed to General Delivery not permitted.

5. It contains Criminal or Prison News.

6. Begging for packages or money not allowed.

7. You are not permitted to receive the articles requested.

8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.

10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.

11. Someone who wrote letter for you did not sign his name.

12. Sent Letters must be submitted Saturday, Sunday or Holidays.

13. You did not stick to your subject.

14. You have no stamps on deposit.

CORRESPONDENCE UNIT PERSONNEL

State
Seal

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING, CEMEX
ALBANY, N.Y. 12225
June 11, 1974

PETER PFEISER
COMMISSIONER

Mr. Joseph Lutz
Box - 65884
Auburn Corr. Facility
Auburn, New York 13022

Dear Mr. Lutz:

This will acknowledge receipt of your notarized documents requesting information.
Your letter of May 17, 1974, was addressed to the Commissioner of Correction and not to me.
I am forwarding your notarized document to John J. McCarthy, Inspector General for appropriate
action.

Very truly yours,
(Signature)
EUGENE E. PHILLIPS
Supervisor of Inmate
Classification & Movement

REP:dh

Subscribed and sworn to be a true copy of the letter
of Eugene E. Phillips, dated June 11, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns
Signature of Official Notary Public
at Auburn Correctional Facility.

Joseph Lutz
Box 618 - #65884
Auburn, N.Y. 13022

76

CC
75

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You do not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State
NY
STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CORCHZ
ALBANY, NY 12222
JUNE 13, 1974
PRIS PRISONER
Commissioner
Mr. Joseph L. Huns #13022
Auburn Correctional Facility
Auburn, New York 13022

Dear Mr. Huns:

In behalf of the Commissioner, I am replying to your letter of June 4, 1974, in which you stated you were writing on your letter to a previous communication, dated May 17, 1974. Incidentally, we have also heard from two of your friends, Mr. John R. Carroll and Nick Cummings, both of whom, in addition to your self, have asked the reason for your recent transfer. Copies of this reply will be forwarded to them.

You were transferred to Auburn Correctional Facility on May 14, 1974 because in our judgment you have the potential for a more productive and meaningful adjustment at that facility. We know you since September 1965 and it is the Department's responsibility to assist you in every way possible in the attainment of worthwhile goals during your confinement. For us to be of service to you, requires your trust and confidence in us. Do your best at Auburn and perhaps at a later date you can consult your Correction Counselor for an evaluation of your progress with a view to determining your suitability for programs at our other facilities.

Sincerely,
(Edward M. Carroll - signature)
Edward M. Carroll
Executive Assistant

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public

DOROTHY J. BURNS
Notary Public, State of New York
No. 1322
Qualified in Cayuga County
Commission Expires March 30, 1976

Subscribed and sworn to be a true copy of the letter
of Edward M. Carroll, dated June 13, 1974

Joseph L. Huns

Box 612 #13022
Auburn, N.Y. 13022

76
CC

Exhibit #27

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not affix post stamp properly.
3. Name of addressee has not been approved.
4. Letter addressed to General Delivery not permitted.
5. Contents Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.

9. Correspondence with newspapers or newsmen employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or holidays.
13. You must stick to your subject.
14. You have no stamps on deposit.

~~CORRESPONDENCE DEPT. PERSONNEL~~

State
Seal

JEROME W. PATTERSON
SUPERINTENDENT

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
EASTERN NEW YORK CORRECTIONAL FACILITY

Waponech, New York 13458
Tel. (914) 647-7400

In Replying
Please Refer To

June 5, 1974

Ms. Vicki Cummings
32-57 37th Street
Astoria, New York 11103

Dear Ms. Cummings:

Re: Joseph Lunz #65884
Formerly N-13715

In your letter of May 21 you seek the reason for the transfer of Joseph Lunz to Auburn Correctional Facility. It was felt by the Department that the Auburn facility and its program would better fit the needs of Joseph. Thus the transfer was effected.

I am sure that, with the passing of time, he will adjust to his new situation and will be reasonably content.

Yours very truly
(Signature)

J.W. PATTERSON
Superintendent

rah

Subscribed and sworn to before me
this 18 day of October, 1974.

Subscribed and sworn to be a true copy of the
letter sent to Ms. Vicki Cummings, dated June
5, 1974, by J.W. Patterson, Superintendent.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1582
Qualified in Cayuga County
Commission Expires March 30, 1977

Signature of Official Notary Public

Joseph Lunz
Box 618- #65884
Auburn, New York 13022

77 cc

THIS LETTER IS RETURNED TO YOU BECAUSE

EXHIBIT #28

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name or address on this not been approved.
4. Letters addressed to General Delivery not permitted.
5. Letters containing Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE - SENT PERSONNEL

Form 261-B

State of New York - Department of Correctional Services

ADIRONDACK CORRECTIONAL FACILITY
(FACILITY)

GOOD BEHAVIOR ALLOWANCE REPORT

1) Name of Inmate Joseph E. Lutz C 16-3116, 65884
 2) Present Consideration Date 1-5-74 & Interim or Eligibility for
 3) Prior Consideration Dates --- Total Interim Allowance
 4) Max. time presently allowable (cumulative to date) 2-10-24
 5) Time declared lost in Sup'ts. Proceedings 0-6-5
 6) Time available for recommendation of Committee 2-4-24
 7) Allowance recommended 2-10-20 Reasons Postpone 183 days
Improved attitude, no reports in over 3 years

P.C. J-14-74

8) Restoration of lost time recommended 0-6-5 Reasons See above

(Eugene F. Reynolds) County Superintendent 10-14-74
 Signature of Chairman Title Date

9) Action by Superintendent ☒ Confirm recommendation ☐ Other determination
 (Specify)
 10) Reasons or comments

(R. J. Henderson) Superintendent 10-14-74
 Signature Title Date

To inmate IMPORTANT see reverse side for your rights

78

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

If addressee has moved since last letter was mailed

Check here
Address is temporary

Check here if new
Address is permanent. []

Date _____

Name _____

Number _____ Grade _____

Shop _____

Written by _____ No. _____

(Signature)

Addressed to:

Name _____

Street & No. _____

City _____ State _____

Relationship _____

★ Name _____
Street & No. _____
City _____ State _____ ZIP CODE _____

When Replying Sign Your Full Name And Address
Give Inmate's Full Name And Number

135 STATE STREET
AUBURN, N.Y. 13022

Date _____

This is a report of action taken with respect to good behavior allowance on your sentence. A copy of this report has been sent to the Commissioner of Correctional Services and any final determination will be made by the Commissioner. You have a right to communicate with the Commissioner with respect to this determination as specified in Sect. 270.4 of the regulations printed below.

Section 270.4 - Review of good behavior allowance decisions

1. An inmate may at any time initiate a review of a decision that has been made with respect to his good behavior allowance, even though such decision is subject to reconsideration in the ordinary course of events (i.e., loss of time declared in a disposition made in a superintendent's proceeding or a determination as to an interim allowance), or was made by the Commissioner.

2. Such review shall be initiated by filing a request with the Commissioner and stating in such request the facts that the inmate believes have not been given full and fair consideration.

3. Inmates shall be specifically advised of their right to have a review of good behavior allowance decisions at the time they are notified of such decisions.

Subscribed and sworn to be a true copy of the
Good Behavior Allowance Report, signed by
R.J. Henderson, Superintendent dated 6-14-74.

Subscribed and sworn to before me
This 19 day of October, 1974

Dorothy J. Burns

Joseph Lunny

Signature of Notary Public
at Auburn Correctional Facility

DOROTHY J. BURNS
Notary Public, State of New York
Qualified Nov. 1982
Commission Expires March 30, 1985

Box 618-#65884
Auburn, N.Y. 13022

cc 79

Exhibit #29

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

SEAL

Telephone

374-1737

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT
13 Park Row, New York 10038

WILLIAM E. HELLERSTEIN, ATTORNEY-IN-CHARGE
JUEL BRINGER, ASST. ATTORNEY-IN-CHARGE

June 14, 1974

Mr. Joseph Lunz

#65854

135 State Street

Auburn, New York 13622

Dear Mr. Lunz,

William Hellerstein has asked me to answer your letter. I just spoke with James Howser, assistant to Deputy Commissioner Flynn. He informed me that you were transferred from Wapahock because you were involved in a fight with another inmate. Is this what happened? In addition Mr. Howser said that a special arrangement had to be made for a transfer to Wapahock because of your age. How old are you? Where you in a fight? Who told you that you were being transferred to a plumbing school at Auburn? Were you given any opportunity to explain what happened?

Mr. Howser also said that once you arrived at Auburn you were offered a transfer to Great Meadows where a vocational program in plumbing does exist, but you refused. Then he said you were offered a transfer to Green Haven where you could do plumbing work in the maintenance shop but you refused that also. Is this true? Why did you refuse a transfer to Green Haven?

Let me know what you think about this.

Sincerely yours,
(Joseph OPPER - signature)

Joseph Opper

Administrative Aide

(Notarized on back) cc 80

Jofer

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

★ Name _____
Street & No. _____
City _____ State _____ [ZIP CODE]

If addressee has moved since last letter was mailed

Check here if Address is temporary ☐

Check here if new Address is permanent ☐

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

When Replying Sign Your Full Name And Address:
Give Inmates Full Name And Number

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date _____

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public
at Auburn New York.

Subscribed and sworn to be a true copy of The
Letter of Joseph Oppen, Administrative Aide,
dated June 14, 1974.

Joseph Oppen

DOROTHY J. BURNS
Notary Public, State of New York
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 618- #65384
Auburn, N.Y. 13022

81 cc

Exhibit # 30

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: W. J. [unclear], Superintendent

FROM: [unclear] NO. 658 x 4 DATE: 1-18-14

BLOCK C CO. 16 CELL 31 SHOP [unclear]

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir:
On April 9, 1974, Mrs. Gloria B. Davis, 3-38-74 Street, Johnson Heights, N.Y. sent me a package while I was at the Clinton Correctional Facility. Since transferred from Clinton to the Eastern Correctional Facility on April 2, 1974, Mrs. Davis's package was sent to the Eastern Facility and I did not receive it there.

I was transferred from Clinton to this facility on May 11, 1974 and Mrs. Davis's package was sent back to Clinton instead of here.

I have been informed that Clinton has forwarded Mrs. Davis's package to this facility. I have not received it at the present time so I am under the impression that it is going to be charged that the postage for it being sent from New York to Clinton to Auburn.

I would suggest that you check with the post office about charging me the extra postage from New York to Clinton to Auburn, because it was

was the "Criminal" that the "Criminal" fault for not sending it to the
first place and I don't see why I should pay for their mistake.
I can pay the postage from Clinton to New York, say \$1.00, and you
people will pay.

Yours truly

CC

P.S.

I write to the Commission about this matter.

Exhibit # 11

AUFURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. William J. Sullivan

FROM: John J. Sullivan NO. 4554 DATE: 6-18-74

BLOCK C CO. 16 CELL 31 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir,
On April 9, 1974, Mrs. Gloria S. S. 34-35-14 Street, Jackson, Michigan
Michigan, sent me a package while I was at the Clinton Correctional Facility.
I was transferred from Clinton to the Eastern Correctional Facility on
April 12, 1974, Mrs. S. sent a package as well to the Eastern Facility and
I did not receive it.

I was transferred from Eastern to this facility on May 11, 1974
and Mrs. S. sent a package as well back to Clinton instead of here.

I have been informed that Clinton has forwarded Mrs. S.'s
package to this facility, I have not received it at the present time so
I am under the impression that something is being charged through postage
for it being sent from Jackson to Clinton to Auburn.

I would suggest that you think twice about charging me (over)

the extra postage from Newport to Clinton to Boston, because it was the
"Constitutional Convention" fault for not sending it to be in the first
place and I do not want to pay for this mistake.

I will pay the postage from Clinton to Newport, anything else,
you people will pay.

Yours truly,

CC

P.A.

I wrote to the Commission about this matter.

Exhibit #32

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Package Room

FROM: Joseph Lunny

NO. 65834 DATE: 6-18-74

BLOCK C CO. 16 CELL: 71 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Re: See:

On April 7, 1974, Mrs. Elena Roroni, 31-35-74 Street, Jackson Heights, N.Y. sent me a package while I was at the Clinton Correctional Facility.

I was transferred from Clinton to the Eastern Correctional Facility on April 12, 1974, Mrs. Roroni's package was sent to the Eastern Facility and I did not receive it there.

I was transferred from Eastern to this facility on May 4, 1974 and Mrs. Roroni's package was sent back to Clinton instead of here.

I have been informed that Clinton has forwarded Mrs. Roroni's package to this facility, I have not received it at the present time and am under the impression that I am going to be charged the extra postage for it being sent from Nagano to Clinton to Auburn.

I would suggest that you think twice about charging me the extra postage from Nagano to Clinton to Auburn, because it was the "Correctional Authority's" fault for not sending it to me in the first place and I do not see why I should pay (over)

DO NOT WRITE BELOW THIS LINE

Note from Package Room

"I think possibly you might be under the wrong impression as you stated you have not received the package as of yet. So let's worry about the package when you finally receive the package."

Ted Kesse C.O.
(Signature) Correspondence

Subscribed and sworn to before me on this 18 day of October 1974

Subscribed and sworn to be a true copy of the "Request Slip" dated 6-18-74

Dorothy J. Burns

Signature of Official Notary Public

Joseph Lunny

86 cc

for their mistake.

I will pay the postage from Clinton to Napanoch, anything else you
people will pay.

Yours truly

CC

P.S. I wrote to the Commission about this matter.

87

Exhibit #33

AUBURN CORRECTIONAL FACILITY
Writing on this stub except your name and number
and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date June 18, 1974
Name Joseph Lunny
Number 65884
Number Reception Grade _____
Cell Location Joseph Lunny 65884
Written by _____ No. _____
(Signature) _____

Name Mrs. Celina Ravanì
Name 31-38-79th Street
Street Jackson Heights N.Y. 11369
City _____ State _____
[ZIP CODE]

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary ☐

Check here if new
Address is permanent ☐

Address Mrs. Celina Ravanì
Name 31-38-79th Street
Street Jackson Heights N.Y. 11369
City Friend-Lesque
Relationship _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13021)

June 18, 1974

Date _____

Dear Celina;

Health. Please find enclosed a copy of the letter I have just sent to the Commissioner of Correction
concerning the package that you sent me.

If the package is sent back to you, refuse to accept it

I am well and I will write to you soon.

Be good and take care of yourself and Eddie.

Sincerely yours,

Joe

Joseph Lunny

Subscribed and sworn to before me
this 18 day of June, 1974.

(Elaine A. Graves - signature)

Signature of Official Notary Public
at Auburn Correctional Facility

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County, #1436
My Commission Expires March 30, 1975.

CC

Subscribed and sworn to be a true copy of the
letter notarized on June 18, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

Joseph Lunny

Box 618 - #65884
Auburn, N.Y. 13022

CC

88

FORWARD CORRECTIONAL LETTERS
 Write only on this stub except your name and number
 and address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

(Signature)

[ZIP CODE]

Exhibit # 50

*If addressee has
moved since last
letter was mailed*

Check here if new []
Address is temporary []

Check here if new Address is permanent []

Relationship _____

**When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number**

135 STATE STREET
AUBURN, N. Y. (13021)

Date June 12, 1914

R: J. P. #65004
B-4.

[illegible]

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

*Prisoner Rights Committee, 1000 1st Ave. at
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at*

*Elaine A. G. - signature
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at*

ELAINE A. G. - YES
NOTARY PUBLIC, State of New York
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at
1000 1st Ave. at 1000 1st Ave. at 1000 1st Ave. at

*Joseph Lunny #65224
135 1st St.*

CC

*Subscribed and sworn to be a true copy of
the letter within 1000 1st Ave. at 1000 1st Ave. at*

Joseph Lunny

*C. A. 112-15-24
Albany, N.Y. 12032*

*Subscribed and sworn to be a true copy of
the letter within 1000 1st Ave. at 1000 1st Ave. at*

CC

Dorothy J. Burns

*Signature of Official Notary Public
at Albany Correctional Facility*

DOROTHY J. BURNS
Notary Public, State of New York
No. 1402
Qualified in Cayuga County
Commission Expires March 30, 1976

90

Exhibit #33

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State of New York } S.S.:
County of Cayuga }

Affidavit of Service

Joseph Lunz, being duly sworn, says:

That on the 18 day of June, 1974, he placed in the hands of the Notary Public at Auburn Correctional Facility, two (2) copies of a letter, to be forwarded via first class mail, postage prepaid, as directed below:

One (1) copy to:

Commissioner of Correction
Alfred E. Smith State Office Building
Albany, N.Y. 12225
Mrs. Celine Ravan
318-38-79th Street
Jackson Heights, N.Y. 11369

One (1) copy to:

Subscribed and sworn to before me
this 18 day of June, 1974.
(Elaine A. Graves - signature)
Signature of Official Notary Public

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County, #1436
My Commission Expires March 30, 1975

Joseph Lunz #65884
135 State Street
Auburn, N.Y. 13022 CC

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County, N.Y.
Commission Expires March 30, 1976

Subscribed and sworn to be a True copy of
the Affidavit of Service notarized on
June 18, 1974.

Joseph Lunz

Box 618-#65884
Auburn, N.Y. 13022 CC

Exhibit # 34

Department of Correctional Services - State of New York

Auburn Correctional Facility

Inter-Departmental Communication

Date: June 19, 1974

To: Joseph Kunz #65884 C-16-31

FROM: Robert J. Henderson, Superintendent (Signature)

Subject: Your note of June 18, 1974

As of this date there has not been a package received at this facility from a Mrs. Culina Baroni for you.

I would suggest that you check with the facilities and/or Mrs. Baroni in the event this package has been returned to

them.
JR

Subscribed and sworn to be a true copy
of the Communication, dated June 19, 1974,
that I received.

Joseph Kunz

Box 618- #65884

Auburn, N.Y. 13023

Subscribed and sworn to before me

this 18 day of October, 1974

CC

Dorothy J. Burns

Signature of Official Notary Public

Dorothy J. Burns
Notary Public, State of New York
Qualified No. 1432 in Cayuga County
Commission Expires March 30, 1976
92

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

Exhibit #305

1. ~~not sign properly.~~
2. ~~You did not fill out stub properly.~~
3. ~~Name of addressee has not been approved.~~
4. ~~Letters addressed to General Delivery not permitted.~~
5. ~~Letters containing Criminal or Prison News.~~
6. ~~Receiving for packages or money not allowed.~~
7. ~~You are not permitted to receive the articles requested.~~
8. ~~The articles requested can only be received now from dealer.~~

9. ~~Correspondence with newspapers or newspaper employees not permitted.~~
10. ~~You cannot have a visit with the person named in your letter unless approved by the Superintendent.~~
11. ~~Inmate who wrote letter for you did not sign his name.~~
12. ~~Special Letters must be submitted Saturday, Sunday or Holidays.~~
13. ~~You did not stick to your subject.~~
14. ~~You have no stamps on deposit.~~

~~CORRESPONDENCE TO P.P. PERSONNEL~~

State
Seal

STATE OF NEW YORK

DEPARTMENT OF CORRECTIONAL SERVICES

Jerome W. Patterson

Eastern NEW YORK CORRECTIONAL FACILITY

SUPERINTENDENT

Marion, New York 12458

Tel. (914) 647-7400

In Replying

Please Refer To

June 19, 1974

Mr. Joseph Lunz #65884

135 State Street

Auburn, New York 13022

Dear Mr. Lunz:

At the time of your transfer to Auburn on May 11, 1974, we forwarded \$10.71 from your account here.

A short time later, after we had received money for you from Clinton, we sent Auburn a second check in the amount of \$10.38. This represented \$2.60 in earnings and the \$7.78 for which you have receipts.

In other words, we forwarded to Auburn for your account a total of \$21.09.

Your stamp card was also forwarded to them. Please have them check to determine whether or not it showed a stamp balance of \$2.50. If so, that amount was transferred.

As we advised you previously, you were sent to Auburn because it was felt the program there was more suited to your needs.

Yours very truly

(Signature)

J.W. PATTERSON

Superintendent

rah

Subscribed and sworn to before me

this 18 day of October, 1974,

Dorothy J. Burns

Signature of Official Notary Public

Dorothy J. Burns
Notary Public, State of New York
No. 1462
Qualified in Cayuga County
Commission Expires March 30, 1976

Subscribed and sworn to be a True copy of the letter
of Jerome W. Patterson, dated June 19, 1974

Joseph Lunz

93

Box 618 - #65884
Auburn, N.Y. 13022

CC

EXHIBIT #34

THIS LETTER IS RETURNED TO YOU BECAUSE

1. Not signed properly.
2. Not addressed properly.
3. No return address or return address not permitted.
4. No return address or return address not permitted.
5. No return address or return address not permitted.
6. No return address or return address not permitted.
7. No return address or return address not permitted.
8. No return address or return address not permitted.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

To: Robert J. Walden, Esq. - 1-1
 From: Joseph Lang, No: 65824, Date: 6-22-74
 Clerk: C, Co: 16, C.S.: 31, Dept: Reception

Re: Inmate;

I have received all the from M. J. W. Patton, Superintendent of the Eastern New York Correctional Facility, dated June 17, 1974, which says, in part:-

"Dear Mr. Lang:

At the time of your transfer to C. L. on May 4, 1974, we have \$10.71 from your account + \$1.00. A short time later, after we had received money from C. L. for a 29-cent check in the amount of \$19.32. This money I had \$2.66 in cash and \$17.78 from C. L. receipts. On other side, we forwarded to C. L. for your account a total of \$21.09. Your stamp account was also forwarded to C. L. for the amount of \$2.55. I hope this is the amount of \$2.55. If so, it is a true transfer of funds."

On 6-12-74, I sent to C. L. for your account \$2.42 + \$1.00, which I sent to C. L. for the amount of \$10.32 for Patton, I spent \$9.10.

I went to C. L. on 6-20-74, and I had my earnings from C. L. to the 38th St. in my account, which totaled \$3.32 of which I spent 30¢, I also had C. L. for \$2.06 because I used the correspondence department \$2.66.

I have not heard from C. L. the first check on my account \$10.11, nor if I received my stamp account from C. L.

I have seen to be a mix-up somewhere in your department concerning my account and stamps, and I hope you are checking in this matter.

I don't receive any money for my funds because I haven't that far to ask for it, I try to get along with what I earn in the facility, and the mix-up with my money is causing me to have no money. Because there are a few things that I want to do with the money I have.

I would like to see you making this matter right as soon as possible. (OFFER)

I-21

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except you, name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

If addressee has moved since last letter was mailed ☐ Check here if new Address is temporary ☐
Check here if new Address is permanent ☐
Addressed to:
Name _____
Street & No. _____
City _____ State _____
Relationship _____

Name _____
Street & No. _____
City _____ State _____

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date _____

Thank you,

cc

Note from front office

Mr. Lundy:

We have received of receiving the \$10.71 from your account for Niagara rock.
Please send up the letter you have from Niagara rock and we will check it out

Further

95 cc

AUBURN CORRECTIONAL FACILITY

Write on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Exhibit #37

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Date _____

Name _____

Number _____ Grade _____

Shop _____

Written by _____ No. _____

(Signature)

Addressed to:

Name _____

Street & No. _____

City _____ State _____

Relationship _____

Name Mr. J. W. Patterson, Superintendent

Street & No. Box 11

City Naprenoch State N. Y. 12458
[ZIP CODE]

When Replied Sign Your Full Name And Address.
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date June 22, 1974

Dear Sir:

I received a letter from Mr. J. W. Patterson, dated May 31, 1974 about a package mailed to me by Mrs. Celina Rononi, 31-38-77th Street, Jackson Heights, N. Y. 11369, while I was in Clinton and it was sent to Eastern while I was there.

The letter says, in part:-

"Yes, the package was forwarded to you here by Clinton, however, inadvertently it was returned to Clinton instead of being forwarded to Auburn."

Clinton has since advised us on the telephone that they then forwarded it to you at Auburn."

I have received an Inter-Departmental Communication from Mr. R. J. Henderson, Superintendent of this facility dated June 19, 1974, which says in part:-

"As of this date there has not been a package received at this facility from a Mrs. Celina Rononi for you."

The last facility that I am sure of, that had Mrs. Rononi's package, is your facility, and you've sent me one place and the package another place. I do not know for sure if you've did send my package anyplace because in your letter of June 19, 1974 you said you sent me \$10.71 from my account and my stamp account to Auburn on May 11, 1974, I did not receive that either.

I would suggest that you find out where my package, my money and my stamps are at and have all of them sent to me here as soon as possible.

Thank you,

Joseph Lutz #65884

Box 618

Auburn, N. Y. 13022

CC

96

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Person who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

~~CORRESPONDENCE DEPT. PERSONNEL~~

Dr. Ing. Robert J. Henderson, Scientist
 1000 1st St. N.E., Wash. D.C. 20002
 Phone: 202-338-1111, 202-338-1112, 202-338-1113

Ben. L.

22 Nov. 1974
I received ~~your~~ note to Mr. Henderson, dated 6-22-74. He is tonight and will be on the bottom
of the back in:

Homecoming!

We have a number of receiving in the U.S. from your country from 1940-41.

Please send us the letter you have from Haggach, as we will check it out further."

Attch 1 plus 2 in letter to General J. V. Brittain, Superintendent, dated June 19,

1974.

I would appreciate your checking your my stamp account also.

Thank you,

cc

Exhibit #39

STATE OF NEW YORK-DEPARTMENT OF CORRECTIONAL SERVICES

AUBURN CORRECTIONAL FACILITY

INTER-DEPARTMENTAL COMMUNICATION

DATE: June 25, 1974

To: Joseph Lunz, #65884 C-16-31

FROM: Service Unit

SUBJECT: Your Note

Your note concerning the Ravani package has been received,
and filed in your folder.

William L. Wilkin
Correction Counselor

WLW:ms

Subscribed and sworn to be a true copy of
the "Communication" I received, dated
June 25, 1974

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lunz

Box 618- #65884
Auburn, N.Y. 13022

Dorothy J. Burns

Signature of Official: Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

CC

98

Exhibit #10

THIS LETTER IS RETURNED TO YOU BECAUSE--

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Sending for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE WITH PERSONNEL

XXX 8401

June 26, 1974

Mr. Gene Delaney, Steward
Eastern W. Correctional Facility
Napaville, New York 13455

Attention: Trustee Accounts

Re: Joseph Lunz #65884

Dear Sir:

In reply to your letter of June 19, 1974 to Mr. Lunz, this is to advise that we did not receive the check of June 11, 1974 in the amount of \$16.71.

Along with Stamp Card Entry Eastern was received. The stamp balance of \$2.50 is still due to Mr. Lunz. We did receive the check for mentioned in the amount of \$14.21. This was received June 7, 1974. In fact, this is the only money received from Eastern for this.

Would you please send the stamp balance of \$2.50, and spendable balance of \$14.21 to close this matter. Your prompt attention would be appreciated.

Very truly yours,

Robert J. Henderson

Superintendent

LC/n

enc.

cc: J. Lunz #65884

C-116-31

Institution Steward

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns

Signature of Notary Public
of Auburn Correctional Facility.

Subscribed and sworn to be a true copy of the letter
that I received from Robert J. Henderson, dated
June 26, 1974.

Joseph Lunz

Box 418- #65884

Auburn, N.Y. 13022

cc 99

Exhibit #41

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Velkin, Service Unit
FROM: Joseph Long NO. 65884 DATE: 6-26-74
BLOCK C CO. 16 CELL: 31 SHOP Reception
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;
I have been informed that there are two (2) openings in the
maintenance plumbing shop for the last ten (10) days.

Perhaps, I am not going to be allowed to work.

Thank you,

cc

DO NOT WRITE BELOW THIS LINE

100

Exhibit #42

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Correspondence Department

FROM: Joseph Lung NO. 65884 DATE: 6-26-74
BLOCK C CO. 16 CELL: 31 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir:

When I was transferred to this facility from Niagara a check for \$10.71 and approximately \$2.50 in stamps were transferred with me, these items seem to have been misplaced along the line and Mr. Henderson, the Superintendent of this facility is looking into this matter. You have my permission to ask him about it.

On 6-20-74 I dropped a stamp order slip in for \$3.06 I have not signed for it at the present time because the book was not brought to me yet. \$3.06 + \$2.50 = \$5.56 which I believe should cover my debt to you concerning my stamp account.

I would appreciate your sending out the attached free letter for the week of June 23, 1974. (OVER)

DO NOT WRITE BELOW THIS LINE

Note from Correspondence Dept.

\$8.66 received on 7-1-74 from East. Corr. Fac. You are 3.59 in the hole

88 Drums C.O.
Corres.

8.66
3.59
+5.07 Bal.

This leaves you Bal. of \$5.07 No other purchase by you at all. You refused to sign.

Subscribed and sworn to before me DOROTHY J. BURNS, Notary Public, State of New York, this 18 day of October, 1974. Request slip dated 6-26-74

Dorothy J. Burns
Commission Expires March 30, 1975
Joseph Lung

101 CC

Exhibit #43

~~THE LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. ~~Content Criminal or Prison News.~~
6. ~~Begging for packages or money not allowed.~~
7. ~~You are not permitted to receive the articles requested.~~
8. ~~The articles requested can only be received new from dealer.~~
9. ~~Correspondence with newspapers or newspaper employees not permitted.~~
10. ~~You cannot have a visit with the person named in your letter unless approved by the Superintendent.~~
11. ~~Someone who wrote letter for you did not sign his name.~~
12. ~~Special Letters must be submitted Saturday, Sunday or Holidays.~~
13. ~~You did not attach to your subject.~~
14. ~~You have no stamps on deposit.~~

CORRESPONDENCE LETTER PERSONNEL

State
Seal

State of New York
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CAMARUS
ALBANY, N.Y. 12236

PETER PREISER
Commissioner

June 28, 1974

Mr. Joseph Lutz, #65884
Auburn Correctional
Box #613
Auburn, New York 13021

Dear Mr. Lutz:

In response to your recent letter we have discussed this matter with staff at Eastern Correctional Facility, Clinton Correctional Facility and Auburn Correctional Facility and we understand that your packages have been forwarded to you.

If you have not received these packages within a reasonable period of time, you should contact the Deputy Superintendent for Administration to resolve this problem.

Sincerely,

(Signature)

Edward R. Patrick
Special Assistant

to

the Commissioner

ERP/ama

Subscribed and sworn to before me
this 18 day of October, 1974.

Dorothy J. Burns
Signature of (Notary) Notary Public

DOROTHY J. BURNS
Notary Public, State of New York
No. 1102
Qualified in Cayuga County
Commission Expires March 20, 1976

Subscribed and sworn to be a true copy of the letter
of Edward R. Patrick, dated June 28, 1974.

Joseph Lutz
Box 618 - #65884
Auburn, N.Y. 13022

102 CC

Exhibit #44

DATE 7/1/74

To: J. Lang NO: 65284 CELL C-16-31

Your name has been added to Planning list. You will be scheduled to appear before the Program Committee when a vacancy does occur, and at that time your institutional program and adjustment is it will be reviewed. At that point, an assignment will be made.

Signature

Thomas Oberg

Correction Counselor

T/D

Sworn to before me this 18 day of October, 1974.

Donnelly J. Burns

ROBERT J. BURNS
Notary Public, State of New York
No. 1192
Qualified in Cayuga County
Commission Expires March 30, 1976

Subscribed and sworn to be a true copy of the

Note of Thomas Oberg dated 7/1/74

Joseph Lang

103 CC

Exhibit #45

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Correspondence Department
FROM: Joseph Long NO. 65867 DATE: 7-1-74
BLOCK C CO. 16 CELL: 71 SHOP Recycling

SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir,

I received your letter saying that you have received \$8.66 from East. Cor. Fed. and that I am \$3.59 in the hole for my stamp account.

First, so, you received \$8.66 from East, which, it is not mine, if it was mine I should have got a receipt for it which I did not, nor did I get any reason why East should send me \$8.66 when they owe me \$10.11 in money and \$3.56 in stamps.

Second, 6-27-74, I purchased \$2.00 worth of stamps. Because I received a receipt from Clinton for \$4.22, and the only reason I refused to sign for \$3.32 worth of stamps is because I only had \$7.12 on my account and the inmate said that I should sign the next week the following week (6-30-74) and I did not sign it because my name was not on it yet today. (OVER)

DO NOT WRITE BELOW THIS LINE

Excuse me, but I am lead to understand that a new procedure is
agreed - to start in this facility today 7-1-74, about where I don't have to
sign any sheet for stamps any more, all I have to do is submit the stamp
slip, so on 6-27-74 I submitted a stamp slip for \$2.00, on 6-30-74 I
submitted a stamp slip for \$3.00, and now have \$7.40 on my account, all
you got to do is buy \$5.00 in stamps, take out the \$3.54 I owe you and
place the remaining \$1.47 worth of stamps on my account, ok, is
simple, what is not?

Please explain about your receiving \$4.00 from Eastern.

Thank you,

(cc)

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

Exhibit #46

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

7-2-74

We received from Eastern Correctional Facility a check for \$10.71 and the Stamp Bal. of \$2.46 that you had at Eastern. They checked their records and said that you did have \$8.66 in stamps on your account that they have sent us, your stamp Bal. less the \$3.59 that you owed us left you a Bal. of \$5.07.

The stamp Buys are not on the New Schedule as yet. You still have to sign for your stamp Buys. When you refused to sign the stamp Buy was not put on your stamp card.

A-R. Della Street's Co.
(Signature)

Subscribed and sworn to be a true copy of the Note
I received from the Sheriff's Office on July 2,
1974, at Auburn Correctional Facility.

Joseph Lutz

Box 618-#5284

Auburn, N.Y. 13022

Subscribed and sworn to before me
this 18 day of October, 1974.

CC

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1462
Qualified in Cayuga County N.Y.
Commission Expires March 20, 1976

Signature of Official Notary Public
at Auburn Correctional Facility.

106

Exhibit #47

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Correspondence Department

FROM: Joseph Lutz NO. 65884 DATE: 7-2-74

BLOCK C CO. 16 CELL: 31 SHOP Reception

SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;

Thank you for informing me that I finally received my
stamp account and money from Eastern yesterday.

Being that I now have \$5.01 - \$.26 for the book I received
yesterday, \$4.81 on my account I hope that you do not expect me to
purchase any more stamps for a couple of months.

Thank you,

CC

DO NOT WRITE BELOW THIS LINE

107

Page #13

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

Dear Tom: ✓

Clinton

July 9, 1974

Auburn Correctional Facility

Auburn, New York 13022

Gentlemen:

Re: Joseph Louis DeLozier, A-12719, Year #10004

Joseph Louis DeLozier was transferred to Auburn in May of this year, and since that time we have had several letters from him relative to a package from Mrs. Colina Ravan, his mother, and his stamps.

Originally, the package was forwarded here by Clinton but arrived after Louis had been transferred to your institution. He inadvertently returned it to Clinton instead of sending it to your facility, and this is to be sure that they better see to it to please, (it will be sent with Clinton again).

As to his mother, you will note some copies of correspondence with Mrs. Ravan dated a total of \$21.00 - in two installments \$10.00 and \$11.00.

Also attached is a copy of a letter we have since received from the inmate advising us that he did not receive the package, the stamps, and the money in its entirety.

Would you please check into these matters and advise us as to their present status.

Thank you.

rah

Encs.

Your Very Truly,

J. M. Patterson, Supt.

Subscribed and sworn to be a true copy of the
Letter of J. M. Patterson, dated July 9, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Louis

Dorothy J. Burns

Notary Public in and for the State of New York
Qualified in Seneca County
Commission Expires March 30, 1976

Box 618 - #45834

Auburn, N.Y. 13022

Signature of Notary Public
at Auburn Correctional Facility.

108 cc

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.

Letterhead must be used by inmate to whom issued. Write only on the lines.

Sign your full name and number at close of letter.

Date _____

Name _____

Number _____ Grade _____

Shop _____

Written by _____ No. _____

(Signature)

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Addressed to:

Name _____

Street & No. _____

City _____ State _____

Relationship _____

When Replying Sign Your Full Name And Address Give Inmates Full Name And Number

⊙ Name Mr. Joseph L. ...
Street & No. Box 1
City Wageningen State N.Y. 13418 (ZIP CODE)

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date July 14, 1974

Re: Joseph L. ... number 13715
Dear Sir:

I was transferred to your facility on April 12, 1974 from the "West ... State ... Prison" in ... I received a set of educational books entitled "Adult - Elementary and High School Library" on April 12, 1974, from I.T.T. toward W. Home & Co. Inc. 4300 West 121st Street, Indianapolis, Indiana.

Almost (2) months have past since I received them and I have not as yet received them. I would appreciate your informing me if they were received at your facility and what has happened to them if your facility had received them.

Thanking you in advance for your time and assistance, I am

Respectfully, Yours,

Joseph L. ...

Box 1018 - # 65864
Auburn, N.Y. 13022

CC

Exhibit #30

- ~~CORRESPONDENCE WITH PERSONNEL~~

New York, July 2, 1974

Dear Josephine

It's raining here better than it was a few days ago, and the letters were very warm from the Mother's side for the

"Unlabeled" message, the station was still at "the house" it's possible that it's a good thing. I'm this in 1914?

Wish all night for only thing it's sometime it's impossible to make time to write, and with the weather

wind there's no place you can stay, so I'll just say, what we do" as you have for work.

It's not so bad as you say to have to come here, we have a cotton tree & system, they are

"monster" and in the top of that the bottom tone up & it's been more the last few years, so it's not

Thank to the way for the way, a fine one, my first night.

Leptocarpus (Saxifragaceae)

Heidi Joseph:

We don't forget you, saying, Ah, you should know we give you jobs that we don't, O.K. I'm in a land, so many things to do, my present I am again something, and you need to be 3 men in one. In New York, it's impossible, so but even with the 3 in one, personal. I think that the winter is better the only thing I don't like in the city is the snow. Are you reading the books...? are they good...?

Oh, Joseph, hoping that you write very soon, with my best wishes, your friend

(Signature of Edward)

Subsidiary had not reason to believe copies of the letter of Colina V. Baroni and Edward, dated July 2, 1974.

Notary Public, State of New York
Qualified No. 1452
Commission Expires March 30, 1926

Joseph Lutz

Rox 618-#65287
Auburn, N.Y. 13023

110 00

EXHIBIT #51

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out style properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Signate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holiday.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

SAVOY BOOKS

PRISON STAMP

ADDRESS: 100 CASHWETTE ST. N.Y.

Dear Mr. Luce

Thank you for your last letter (Don't love the drawing!!) There are several things we have to get straight. We are and only get going out of business. As a matter of fact we just sent you a list from which you ordered two books. I just looked at the dates on your letter. You see, I received the one with the drawing last, and I have written that day was, I am sending "The Last Days of Pompeii" (the one) for you, but "The Last Days of Pompeii" is already sold. Also I received your check for "Pictorial's Lives" and will send it right away. As I receive last month or just received the paper cover that was last here when they are new. The other is that I am still not sure what book or books you received. Please let me know for it. received one package came back to us and we're glad we didn't let it stick around. I have gotten that by now.

The thing is, we have time is only a matter of business on our part - we have a pretty disorganized business.

Sincerely yours

(Lillian Frazer - Signature)

Tel. 417 743-5596

IMBERT FRAZER, Prop.

Subscribed and sworn to in a true copy of the letter
I received on July 23, 1974, from Mrs. Lillian
Frazer, Savoy Books.

Subscribed and sworn to before me
this 18 day of October, 1974

Donnelly J. Burns

Notary Public, State of New York
Qualified in County of...
Commission Expires March 30, 1976

Joseph Luce

Box 1018 - F 5884

Auburn, N.Y. 13022

Signature of Notary Public
in the presence of the party.

CC

THIS LETTER IS RETURNED TO YOU BECAUSE

Exhibit 10a

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Asking for packages or money not allowed.
7. You are not permitted to receive the article requested.
8. The article requested can only be received from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Someone who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
MAXIMUM SECURITY CORRECTIONAL FACILITY
Albany, New York
Tel (518) 447-7400
In Reply, Please Refer to
July 24, 1974

Mr. Joseph Burns
Box 618 - #65884
Albany, New York 12220

Dear Mr. Burns:

The file which contains your letter was sent to this facility. The facility is not authorized to receive correspondence from you. The facility is not authorized to receive correspondence from you. The facility is not authorized to receive correspondence from you.

Very truly yours,
J. W. Smith (Signature)
J. W. Smith
Acting Superintendent

Twp. 100
Mr. Burns
Mr. Burns
Supt.

Subscribed and sworn to be a true copy of the
Letter of J. W. Smith, Acting Superintendent,
dated July 24, 1974.

Subscribed and sworn to before me
this 18th day of October 1974.

Joseph Burns

Donald J. Burns

Notary Public for the State of New York
Qualified in Albany County
Commission Expires March 2, 1976

Box 618 - #65884
Albany, N. Y. 12220

Signature of Donald J. Burns
at Albany Correctional Facility.

CC

112

AUBURN CORRECTIONAL FACILITY
Write nothing on this stub except your name and number
and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Special

Date 7-29-74
Name Joseph Lung
Number 65834 Grade _____
Shop Reception
Written by Joseph Lung No. 65834
(signature)

⊗ Name ITT, Howard W. Sams & Co., Inc.
Street & No. 4300 West 62nd Street
City Indianapolis State Indiana 46268
(ZIP CODE)

Exhibit #53

If addressee has
moved since last
letter was mailed

Check here if new
Address is temporary []

Check here if new
Address is permanent []

Addressed to:

Name ITT, Howard W. Sams & Co., Inc.
Street & No. 4300 West 62nd Street
City Indianapolis State Indiana 46268
Relationship Educational Books

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date July 19, 1974

Dear Sir;

On April 25, 1974, I had a check sent to your company for fourteen dollars & forty-five cents (\$14.45), for a three (3) book set that was listed on page 20 of Audel's catalogue entitled "Plumbers and Pipe Fitters Library", ISBN: 0-672-23155-7.

It is more than three (3) months since I have ordered these books and I have not received them yet. When I ordered these books my address was: "Box R-13715, Nagawick, N.Y. 12453."

I would appreciate your informing me of when you sent me these books or, if you have set me these books at the present time.

I have already received the book entitled "Questions and Answers for Plumbers Examinations" and I am waiting for these other books.

Thanking you, in advance, for your time and assistance, I am

Respectfully yours,

Joseph Lung

Box 618- #65834

Auburn, N.Y. 13022

CC

113

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

5-11-12 # 711
10/10/11

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letter addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Asking for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Name who wrote letter for you did not sign his name.
12. General Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

ITT

Howard W. Sams & Co., Inc.
Advertising of ITT

4300 West 42nd Street
Tulsa, Oklahoma 74106
Tel. (918) 461-7110

Aug 6, 1974

Joseph Lung

Box 618 - # 13032

Auburn, N.Y. 13022

Dear Mr. Lung,

Regarding the letter I have seen which states that you are not receiving and
wanting to receive a copy of the letter in question. After reviewing your letter, may I suggest
that you order.

Thank you for your understanding and patience in this matter.

Sincerely,

HOWARD W. SAMSON CO. INC.

(B. Dwyer - Signature)

B. Dwyer

Customer Relations Representative

Submitted and sworn to be a true copy of the
Letter of B. Dwyer, of Howard W. Sams & Co.,
Inc., dated August 1, 1974

Subscribed and sworn to before me
this 18 day of October, 1974.

Donnelly J. Burns

Joseph Lung
Box 618 - # 13032
Auburn, N.Y. 13022

Notary Public
at the Correctional Facility.

Notary
Qualified by the State of New York
Commission Expires March 30, 1976

114

CC

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Address of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. Correspondence Criminal or Prison News.
6. No money for packages or money not allowed.
7. Not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.

9. Correspondence with newspapers and newspaper employees not permitted.
10. You must not have contact with the person named in your letter unless approved by the Superintendent.
11. Approval of the above letter for you did not sign the name.
12. Correspondence must be submitted on Tuesday, Friday or Holidays.
13. Letters must not stick to the subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

State of New York - ss:
 County of Cayuga

Affidavit

On August 7, 1974, plaintiff appeared before the Assignment Committee, Lieutenant Woody, Mr. Izzo and two (2) other civilians. Mr. Izzo questioned plaintiff about what happened at his plaintiff's last appearance before the Committee and plaintiff replied that plaintiff was supposed to have an interview with the head of the maintenance plumbing shop and that plaintiff did not have the interview. Mr. Izzo and another civilian wrote down the plaintiff's name and number and said that plaintiff would have an interview with Mr. Tom Scranton, the head of the maintenance plumbing shop as soon as possible. Mr. Izzo said that he would like to have plaintiff in the new maintenance repair class that is available at the school; plaintiff explained that plaintiff had worked for ten (10) months in the maintenance plumbing shop while plaintiff was in Clinton and that plaintiff was transferred to Napanoch to go to school for plumbing and then plaintiff was transferred to this facility and there is no plumbing school here and that plaintiff does not need to go to a school to learn how to do maintenance plumbing, maintenance carpentry, maintenance painting and so forth, and that plaintiff was interested in learning how to install the different types of plumbing, etc. The lieutenant said that plaintiff should start thinking about taking up some other type of work or be placed in the idle company here. Mr. Izzo said that if Mr. Scranton could not use plaintiff in his shop because plaintiff did not know enough about plumbing, that plaintiff should go to the maintenance repair school here and he (Mr. Izzo) was sure that after plaintiff was in the school program for a while plaintiff would be sure to get in the maintenance plumbing shop. Plaintiff explained that plaintiff had started working in the plumbing shop in Clinton as a porter, then as a plumber's assistant, then as a block plumber, then plaintiff was taking care of two (2) blocks and on the weekends plaintiff and another inmate (Mr. Abraham Evans) were doing the maintenance plumbing for the whole institution for a half a day, and plaintiff was promoted to a Head-Plumber which plaintiff held until plaintiff was transferred from Clinton to Napanoch, and during the (6) months that plaintiff was in the plumbing shop plaintiff worked a lot of the time with the steam-fitter civilian doing maintenance repair work. Mr. Izzo again said that plaintiff still better think about doing something else in case plaintiff is not accepted by Mr. Scranton; plaintiff told Mr. Izzo that if plaintiff was not accepted in the maintenance plumbing shop that he (Mr. Izzo) could place plaintiff anywhere that he wants to. (Mr. Izzo) was not accepted in the plumbing shop, you can do as you want with me. Mr. Izzo turned around to his note book with a smirk on his face and said to plaintiff that was all he wanted to know.

115 OVER

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

If addressee has moved since last letter was mailed

Check here Address is new

Check here if new Address is permanent

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

~~Name~~ _____
~~Street & No.~~ _____
~~City~~ _____ ~~State~~ _____ ~~Zip Code~~ _____

~~Name and Address~~
~~One family's full name and number~~

@

135 STATE STREET
AUBURN, N.Y. 13022

(Plaintiff is under the impression that he will not be accepted in the maintenance plumbing shop at this facility - because of Mr. [unclear]'s opinion and remark - and that plaintiff will be placed in the maintenance repair shop so that Defendant Preiser can say in the courtroom that the Correctional Authorities are teaching the plaintiff how to do some plumbing repair work.)

The Affidavit of Civil Rights Complaint that plaintiff had sent to the Southern District Court of New York on August 2, 1974, was returned to the plaintiff because plaintiff did not follow procedure when suing a agency of the United States.

Sworn to before me

this 9 day of August, 1974.

(Dorothy J. Burns - signature)

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lung
Affirmant

Box 618 - #65884

Auburn, N.Y. 13022 CC

Subscribed and sworn to before me
this 18 day of October, 1974

Subscribed and sworn to before a true copy of
the Affidavit notarized on the 9 day of
August, 1974.

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

Joseph Lung

Box 618 - #65884

Auburn, N.Y. 13022

CC 116

Signature of Official Notary Public
at Auburn Correctional Facility.

Exhibit #56

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Oberg, Service Unit
FROM: Joseph Lutz NO. 65884 DATE: 8-11-74
BLOCK C CO. 16 CELL: 31 SHOP: Reception
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;

On July 24, 1974, July 31, 1974, and August 7, 1974, I was
supposed to be scheduled to have a interview with the Head of the
Maintenance Plumbing Shop.

I have as yet, not had the above mentioned interview.
I would appreciate your assistance on this matter.

Thank you,

cc

DO NOT WRITE BELOW THIS LINE

117

Exhibit #57

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Lieutenant Woody
FROM: Joseph Lutz NO. 65884 DATE: 8-11-74
BLOCK C CO. 16 CELL: 31 SHOP Reception
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;

On July 24, 1974, July 31, 1974, and August 7, 1974, I was supposed to be scheduled to have a interview with the Head of the Maintenance Plumbing Shop, by the Assignment Committee.

I have not, as yet, had the above mentioned interview.
I would appreciate your assistance on this matter.

Thank you

cc

DO NOT WRITE BELOW THIS LINE

Exhibit #58

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Izzo, School
FROM: Joseph Lutz NO. 65884 DATE: 8-11-74
BLOCK C CO. 16 CELL: 31 SHOP Reception
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir:

1974
On July 24, July 31, 1974, and August 7, 1974, I was supposed to be scheduled to have a interview with the Head of the Maintenance Plumbing Shop, by the Assignment Committee.

I have not, as yet, had the above mentioned interview.
I would appreciate your assistance on this matter.

Thank you

cc

DO NOT WRITE BELOW THIS LINE

Exhibit #59

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES
AUBURN CORRECTIONAL FACILITY
INTER-DEPARTMENTAL COMMUNICATION
DATE: August 12, 1974

TO: Mr. C. C. (Tex) Stanton (MAINTENANCE)
FROM: Edward J. Byrne, Sr. Correction Counselor
SUBJECT: Joseph Lunz #65887 C-16-31

Attached is note from above inmate requesting interview with you
for evaluation as a maintenance plumber.

Encl.

cc: Joseph Lunz

Subscribed and sworn to be a true copy of
the "Communication" of Edward J. Byrne,
dated August 12, 1974.

Joseph Lunz

Box 618 - #65887
Auburn, N.Y. 13022

Subscribed and sworn to before me
this 18 day of October, 1974.

cc

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1462
Qualified in Oswego Co. N.Y.
Commission Expires 12/31/76

120

AUBURN CORRECTIONAL FACILITY

Nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date 8-16-74
Name Joseph L. Long
Number 15504 Grade _____
Shop Reception
Written by Joseph L. Long No. 15504
(Signature)

Exhibit #60

If addressee has moved since last letter was mailed

Check here if new Address is temporary

Check here if new Address is permanent

Addressed to:

Name III, Howard W. Jones & Co., Inc.
Street & No. 435 West 13th Street
City Indianapolis State Indiana
Relationship Editorial Books

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

⊙ Name III, Howard W. Jones & Co., Inc.
Street & No. 435 West 13th Street
City Indianapolis State Indiana 46216
(ZIP CODE)

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date August 11, 1974

Dear Sir:

Please find enclosed check for fourteen dollars & forty-five cents (\$14.45) for the following set of books which are listed in your World Catalogue on page 30:

Set of: Plumber and Pipe Fitter Library - ISBN: 0-672-2355-7

I would appreciate your sending me the list of 40 books that is attached to the inside of the back cover of the World Catalogue.

Thanking you in advance for your time and assistance, I am

Respectfully yours,

Joseph L. Long

Box 618 - #15504

Indianapolis, Ind. 46216

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Special

Date 7-5-74
Name Joseph Lutz
Number 65884 Grade _____
Shop Reception
Written by Joseph Lutz No. 65884
(Signature)

Exhibit #62

If addressee has moved since last letter was mailed

Check here if new Address is temporary

Check here if new Address is permanent

Addressed to:
Name U.S. Surplus Disposal
Street & No. 2200 Fulton St. - C.S.Y.
City Ann Arbor State Michigan
Relationship Government Surplus 48105

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

⊗ Name U.S. Surplus Disposal
Street & No. 2200 Fulton St. - C.S.Y.
City Ann Arbor State Michigan 48105
(ZIP CODE)

⊗

135 STATE STREET
AUBURN, N. Y. (13022)

Date July 5, 1974

Dear Sir;

On December 23, 1973 I sent you a check for \$100 for your "Complete Sales Directory and Surplus Catalog" that was advertised in the December, 1973, issue of Argosy magazine.

As of this date, July 5, 1974, I have not received a copy of the above mentioned catalog nor have I received a refund of my money.

I would appreciate your either sending me a copy of the above mentioned catalog or my money.

Thanking you in advance,

Respectfully yours,

Joseph Lutz

Box 618 - #65884
Auburn, N.Y. 13022

me U.S. Surplus Disposal

Street & No. 2300 Fuller 601 B - S.S. 7

City Ann Arbor State Michigan 48105
(ZIP CODE)

When Replying Sign Your Full Name And Address

Give Inmates Full Name And Number

Exhibit # 61

Box B

Danemora, N.Y. (12929)

185-61-111 STREET

Danemora, N.Y. (12929)

Date December 23, 1973

Dear Sir;

Please find enclosed a check for \$1.00 for your "Complete Sales Directory and Surplus Catalog" that was advertised in the December issue of Argosy magazine.

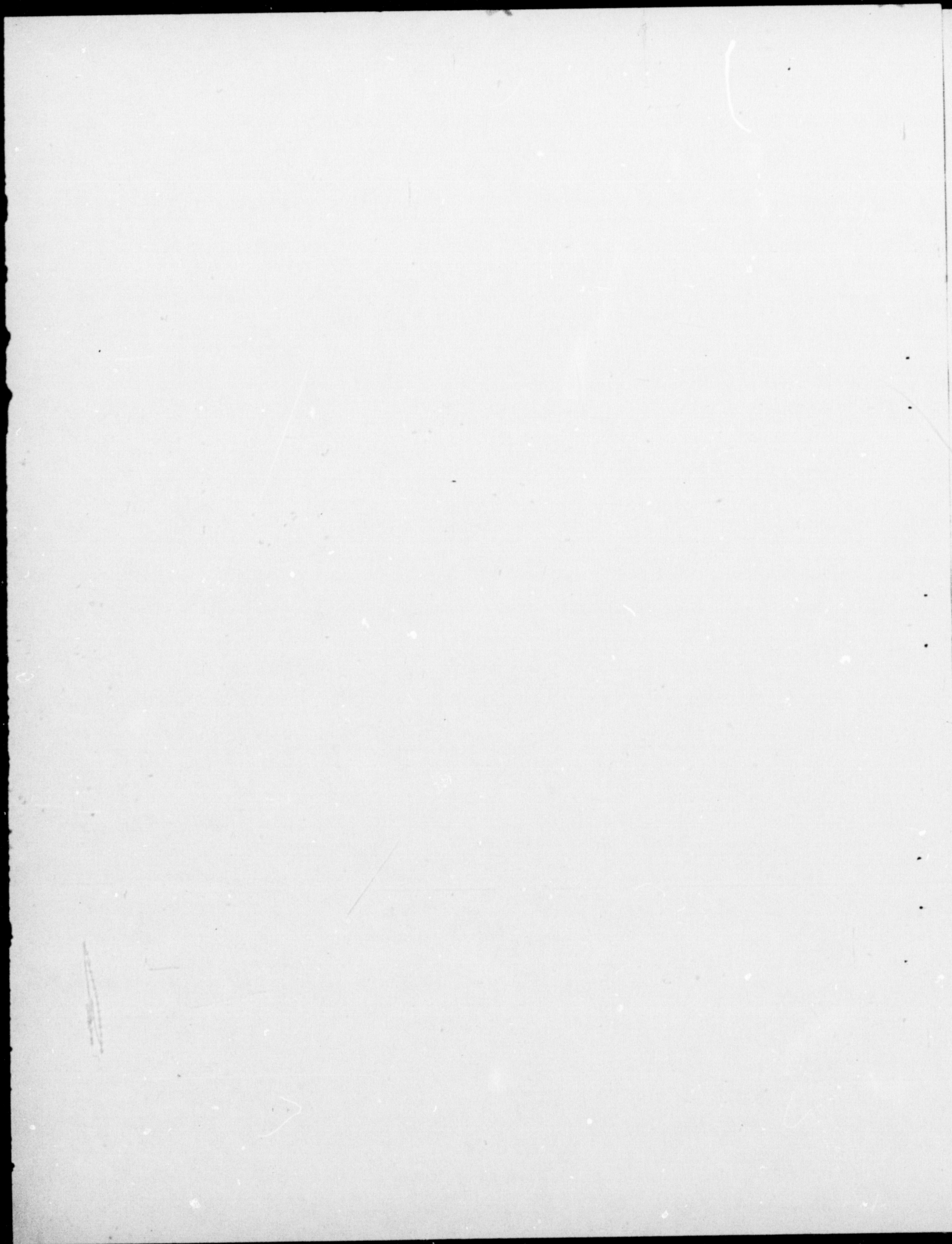
Thanking you in advance for your time and assistance, I am

Respectfully yours,

Joseph Lanz

Box B - #42514

Danemora, N.Y. 12929



Paladin Press
Street & No. Box 1307-A
City Boulder, State Colorado 80302
[ZIP CODE]

When Replying Sign Your Full Name And Address.
Give Inmates Full Name And Number

Exhibit # 63

@

Box B
Dorchester, N.Y. (12924)
STATE STREET
ALBANY, N.Y. (12204)

Date February 24, 1974

Dear Sir;

Please find enclosed a check for twenty-five (\$25) cents for a copy of your "Men of Action" catalogue.

Thank you

Joseph Lung

Box B - #42514

Dorchester, N.Y. 12924

123

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Exhibit #64

If addressee has moved since last letter was mailed

Check here if new Address is temporary

Check here if new Address is permanent

Date 7-5-74
Name Joseph Lutz
Number 65884 Grade _____
Shop Reception
Written by Joseph Lutz No. 65884
(Signature)

Addressed to:
Name Paladin Press
Street & No. Box 1307-A
City Boulder State Colorado
Relationship Book Publisher 80302

* Name Paladin Press
Street & No. Box 1307-A
City Boulder State Colorado 80302
(ZIP CODE)

When Replying Sign Your Full Name And Address
Give Inmates Full Name And Number

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date July 5 1974

Dear Sir;

On February 24, 1974 I had a check for two ^{to}-five (\$.25) cents sent to your company for a copy of your "Men of Action" catalogue.

I have not received the above mentioned catalogue at the present date, and I would appreciate your either sending me my money back or sending me a copy of your catalogue.

Thanking you in advance, I am,

Respectfully yours

Joseph Lutz

Box 618-#65884
Auburn, N. Y. 13022

cc

Name Superintendent of Documents
Street & No. U. S. Government Printing Office
City Washington State D. C. 205402
[ZIP CODE]

When Replying Sign Your Full Name And Address.
Give Inmates Full Name And Number

@

Box B
Donacona, N.Y. (12929)
~~12929~~
~~12929~~

Exhibit #65

Date March 30, 1974

Dear Sir;

Please find enclosed a check for eighty-six cents (\$.86) for one copy of each of the following:

1.) MP 526 - Manual of Individual Water Supply Systems - \$.40

2.) PHS 24 - Manual of Septic Tank Practice — \$.40

\$.80

.6 Tax

\$.86

Would you please send me a catalogue of the books you sell also.

Thanking you in advance, I am

Respectfully Yours,

Joseph Lung

Box B - #42514

Donacona, N.Y. 12929

125

AUBURN CORRECTIONAL FACILITY

nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date 8-5-74
Name Joseph Lenz
Number 65884 Grade _____
Shop Reception
Written by Joseph Lenz No. 65884
(Signature)

Exhibit #66

If addressee has moved since last letter was mailed

Check here if new Address is temporary ☐

Check here if new Address is permanent ☐

Addressed to:
Name Superintendent of Documents
Street & No. U. S. Government Printing Office
City Washington State D.C. 20540
Relationship Educational

Name Superintendent of Documents
Street & No. U. S. Government Printing Office
City Washington State D.C. 20540
(ZIP CODE)

When Replying Sign Your Full Name And Address.
Give Inmates Full Name And Number

135 STATE STREET
AUBURN, N. Y. (13022)

Date August 5, 1974

Dear Sir;

On March 30, 1974 I had a check for eighty-six (\$86) sent to you for one of each of the following pamphlets:

1) M.P. 526 - Manual of Individual Water Supply Systems - \$.40

2) PHS 24 - Manual of Septic Tank Practice -- \$.40

+ .06 Tax
\$.86

and also requested a catalogue of the books you sell.

I have not as yet, received the pamphlets, catalogue or my money returned to me. When I ordered these pamphlets my address was "Box B - #42514, Danmora, N.Y. 12929."

I would appreciate your looking into this matter and inform me of the results of your investigation.

Thanking you, in advance, I am

Respectfully yours,

Joseph Lenz
Box 618 - #65884
Auburn, N.Y. 13022

Exhibit #67

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Henderson, Superintendent
FROM: Joseph Lutz NO. 65884 DATE: 8/23/74
BLOCK Rec CO. 1 CELL: 2 SHOP _____
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir,

On August 22, 1974, I was involved in a fight in the mess hall
and I was immediately brought up here.

According to law I am supposed to see the Adjustment Committee
before I am taken to segregation.

I hope that you will make this matter right.

Thank you,

CC

DO NOT WRITE BELOW THIS LINE

Exhibit #68

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Robert J. Henderson, Superintendent

FROM: Joseph Long NO. 65884 DATE: 8-25-74

BLOCK Recf CO. 1 CELL: 2 SHOP Recf

SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir;

I was involved in a fight in the mess hall on Thursday, 8-22-74, and after it was broke up I was immediately brought up to the special housing unit.

According to the laws of the United States of America and the New York State Law I am not supposed to be placed in the special housing unit until I appear before the adjustment committee and explain my side of the incident. Also that I am to appear before the adjustment committee within 24 hours of a incident for which I am kept locked for.

I would appreciate your obeying the law and correct this situation.
Thank you.

(OVER)

DO NOT WRITE BELOW THIS LINE

Yesterday, August 24, 1974, Officers Cotton and Reilly attempted to give me my personal property by putting it into my cell without my having checked it to see what was missing. I asked that one of the officers stand in front of my cell and watch me check my property, they said no, and I refused to accept my personal property.

Most of my personal property consist of legal work that I do on my original conviction and I am afraid that if I just accept my property without checking it first, that in case something is missing the officers can say that they gave it to me and I will be the one with no way of seeking relief.

I would appreciate your doing something about this matter.

Thank you,

CC

Exhibit #69

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Asking for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The article requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday-Sunday.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

Department of Correctional Services - State of New York
Auburn Correctional Facility
Inter-Departmental Communication

Date August 26, 1974

To: Joseph Lung #65884 SHU 4-3

From: Robert J. Henderson, Superintendent (Signature)

SUBJECT: Your file of August 25, 1974

Refer to 204.4 (c). This does not specify an hour but the first meeting of the Adjustment Committee following the date of admission, you are scheduled to be seen today.

You may be taken to Special Hearing whenever the officer in charge believes it necessary; see 251.6 (d).

jr

Subscribed and sworn to be a true copy of the
Inter-Departmental Communication of Robert
J. Henderson, dated August 26, 1974,

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lung

Dorothy J. Burns

Box 1618 - #65884
Auburn, N.Y. 13022

NOTARY PUBLIC - CORNS
Notary Public, State of New York
No. 1122
Qualified in Cayuga County
Commission Expires March 30, 1976

Signature of Official Notary Public
at Auburn Correctional Facility

cc

130

@

121 STARS STREET
AUGUST 27, 1974 (19740827)

Date Exhibit # 70

To: Mr. Robert J. Henderson, Superintendent
From: Joseph Lundy No. 165884 Date: 8-27-74
Block: S.HU Cor: L Cell 3

Dear Sir;

I have received your note of August 26, 1974 and I believe that I should explain a few things to you:

1) On August 23, 1974 at lunch time I went to the mess hall from my cell, I went to the line that I was told to go to by the officers and I started conversing with another inmate who I knew and I was violently shoved, from behind, almost across a table, when I regained my balance I inquired why I was pushed and a negro inmate said that I bumped into him when I was coming into the mess hall (which I did not do). When a sergeant and a officer grabbed me in order to break up the fight this negro came over their backs and started punching me, so the sergeant and the officer and myself went after this negro. When the fight was broken up the second time, the negro was taken out of the mess hall first and then a few minutes later myself, by a sergeant and a officer, and I was taken to the front of "C" block where a telephone call was made to the front office and then I was taken to the Special Housing Unit.

2) I would suggest that you teach your sergeants and officers to grab both persons that are fighting instead of just one, as mentioned above.

131 (OVER)

3) The law states that before an inmate can be removed from population to a special housing unit he has to appear before the adjustment committee and if the adjustment committee feels that the inmate be removed from population, it is so ordered, unless extreme circumstances demand otherwise.

There were no extreme circumstances involved in my case. As soon as I was shored almost across the table the other inmates moved out of the area and remained so until I was taken out of the mess hall. There were no other persons involved in the fight and there was no danger of a riot. My being taken to the special housing unit without first appearing before the adjustment committee and being given a chance to explain my side of the story, violated my rights and the law.

I would appreciate your putting this matter in the way it should be, even though I have already seen the adjustment committee. They are investigating my story and I am not supposed to be in the special housing unit until they so order it, in the first place.

Thank you,

CC

Exhibit #71

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. ~~You did not sign properly.~~
2. ~~You did not fill out stub properly.~~
3. ~~Name of addressee has not been approved.~~
4. ~~Letter addressed to General Delivery not permitted.~~
5. ~~Letter contains Criminal or Prison News.~~
6. ~~Shipping for packages or money not allowed.~~
7. ~~You are not permitted to receive the articles requested.~~
8. ~~The articles requested can only be received now from dealer.~~
9. ~~Correspondence with newspapers or news magazines is not permitted.~~
10. ~~You cannot have a visit with the person named in your letter unless approved by the Superintendent.~~
11. ~~Inmate who wrote letter for you did not sign his name.~~
12. ~~Special Letters must be submitted Saturday, Sunday or Holidays.~~
13. ~~You did not stick to your subject.~~
14. ~~You have no stamp on deposit.~~

~~CORRESPONDENCE DEPT. PERSONNEL~~

Department of Correctional Services - State of New York
Auburn Correctional Facility
Inter-Departmental Communication

Date: August 28, 1974

To: Joseph Lung #65884 L-2 SHU
FROM: Robert J. Henderson, Superintendent (Signature)
SUBJECT: Your letter of August 27, 1974

Any altercation in the mess hall is considered a grave situation based on past occurrences. The Adjustment Committee will conduct an investigation and take appropriate action.

JR

Subscribed and sworn to be a true copy of the
Inter-Departmental Communication at Robert
J. Henderson, dated August 28, 1974

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lung

Box 1618 - #65884
Auburn, N.Y. 13022

Dorothy J. Burns

CC

Signature of Officer, Notary Public
at Auburn Correctional Facility

DOROTHY J. BURNS
Notary Public, State of New York
No. 1482
Qualified in Cayuga County
Commission Expires March 30, 1976

133

To: Mr. Robert J. Henderson, Superintendent
From: Joseph King No: 65854 Date: 8-38-74
Block: S.H.U. Co: 1 Cell 2

Exhibit # 72

Dear Sir;

I received your note which replied to my letter of August 27, 1974.

(1) The law says that only in "extreme circumstances" can an inmate be removed from population to a special housing unit before seeing the adjustment committee.

(2) Your note says: "Any altercation in the mess hall is considered a grave situation based on past occurrences."

I do not know how long ago you consider "past occurrences" but since I have been here I have witnessed three (3) different fights in the mess hall and the inmates not involved in the fight have moved out of the area and let the two other inmates fight, the same thing happened last Thursday and I have been informed that the same thing happened when two other inmates fought in the mess hall since last Thursday.

(3) We are not talking about what happened in the "past", we are talking about what happened last Thursday, August 22, 1974, and my case does not involve "extreme circumstances".

(4) Being that there are so many fights in the mess hall; why do you not do (OVER)

something to remedy the situation in the mess hall?

Instead of crowding forty-two (42) or more inmates into a space between two tables and only opening three (3) sections at one time, put twenty-one (21) or thirty (30) inmates in a line and open six (6) or ten (10) sections and then come back and start at the first section again with the remainder of the sixty-two (62) men to fill up the section.

This is only a suggestion, but it is your facility and you run it the way you want; besides my case does not involve jumping lines in the mess hall, my case involves my being shoved almost across a table by another inmate in the mess hall.

(5) Being that there were no "extreme circumstances" involved in my case, you have violated my rights and the law.

I would appreciate your correcting this matter.

Thank you,

cc

Exhibit # 73

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Mr. Robert J. Henderson, Superintendent
FROM: Joseph Lung NO. 65884 DATE: 8-29-74
BLOCK S.H.U. CO. L CELL: 2 SHOP S.H.U.

SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir:

I have been in the Special Housing Unit since August 22, 1974.

The law says that an inmate has to appear before the Adjustment Committee and if they decide that the inmate be removed from population the inmate is taken to the Special Housing Unit, except in "extreme circumstances." When there are no "extreme circumstances" present, the inmate is not to be taken to the Special Housing Unit and then see the Adjustment Committee and then have them decide if the inmate remains in the Special Housing Unit.

I have explained this to you four (4) times.
You are violating my rights and the law.

Thank you,

CC

DO NOT WRITE BELOW THIS LINE

Exhibit # 74

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DUTY PERSONNEL

Mr.

New York, August 28, 1974

Joseph Lung #45884
 Auburn Correctional Facility
 N.Y. 13021

My dear Joseph:

We're sorry about you, it's not a big thing that we don't hear from you, I don't know it's because you're again and some letter could be missing, our new address is 32-14-70 St. Jackson Heights 11350 New York, the telephone is the same.

Finally did you receive the package with the cameras and things, as it'll be around and around and around... but we know what's happening, it's the best of the times we spend and you another, we're all right the life it's every day up and up and up, if we continue like them I don't know where gone to find things no money enough for nothing... My God

O.K. Joseph, write us very soon, because we love and stay good and out of trouble.

(Edward Baroni, signature)

Subscribed and sworn to be a true copy of the
 Letter of Edward Baroni, dated August 28, 1974,

Subscribed and sworn to before me
 this 18 day of October, 1974.

Joseph Lung

Donatley J. Burns

P.O. #18-#45884
 Auburn N.Y. 13022

Signature of Official Notary Public
 at Auburn Correctional Facility.

Notary Public
 Qualified in Cayuga County
 Commission Expires March 30, 1976

54347

- ~~CORRESPONDENCE-DEPT- PERSONNEL~~

Dear Sir;

Notes:

A short time later I joined the Buzza + J. - Carriotti exhibit and Program in the main hall.

6) On August 26, you wrote to me saying: "You may be taken to Special Housing whenever the officer in charge believes it necessary." (see 2.31.12 1d).

(5) The note was a note dated August 28, saying "Any alteration in the above bill is considered a grave situation based on past occurrences."

138 (OVER)

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

If addressee has moved since last letter was mailed

*Check here if new
Address is temporary*

**Check here if new
Address is permanent**

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

① Name _____

Strand 4 - Art

City _____ State _____

When ~~Receiving Sign~~ ~~Send~~ ~~Full Name And Address~~
Give Inmates ~~Full Name And Number~~

Page 2

~~155-2000-1000~~
~~AM BURNING (13022)~~

~~Data~~

On August 29, I wrote you and told you that you were violating copyright and the law.

[illegible]

As I have explained to you, I am not opposed to the special licensing unit because our case did not endanger these cities or your facility or was a threat to the rest of the inmate population, why do you not read Section 2502 (a), which says:

"(2) Just as the sentencing of inmates by courts, and the techniques used for correctional treatment must be appropriately varied to fit a complex matrix of individual circumstances and individual conditions, the disciplinary techniques within a correctional facility must be appropriately varied to fit such factors as:

- (1) the particular circumstances involved;
- (2) the overall behavior pattern of the inmate; and
- (3) the problem in the present atmosphere of the facility.

Consequently, persons vested with responsibility for disciplinary measures in facilities of the Department should not establish rigid structures for disciplinary sanctions, but should consider each situation individually."

Q-4. on vector 250.2 (d), (e), (f): -

EX-111 # 76

THIS LETTER IS RETURNED TO YOU BECAUSE

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. It contains packages or money not allowed.
7. It is not permitted to receive the articles requested.
8. The official request can only be received from dealer.

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the prisoner in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special letters must be submitted Saturdays, Sundays, and holidays.
13. You did not stick to your subject.
14. You have no stamps on the post.

CORRESPONDENCE DEPT. PERSONNEL

"(1) All central inmate activities, including disciplinary activities, must be conducted in a way that is fair, impartial, and consistent with the principles of justice. (given to the inmate by the prison staff.)"

"(2) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(3) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(4) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(5) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(6) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(7) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(8) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(9) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

"(10) Prisoners must be allowed to work, receive mail, and have access to the prison library, and other recreational activities, rather than being isolated."

140 (OVER)

Write nothing on this stub except your name and number and the address of correspondent.
Letterhead must be used by inmate to whom issued.
Write only on the lines.
Sign your full name and number at close of letter.

Date _____
Name _____
Number _____ Grade _____
Shop _____
Written by _____ No. _____
(Signature)

If addressee has moved since last letter was mailed

Check here if new
Address is temporary

*Check here if new
Address is permanent*

Addressed to:

Name _____
Street & No. _____
City _____ State _____
Relationship _____

★ Name _____
Street & No. _____
City _____ State _____

~~When Replying Give Your Full Name And Address~~
Give Inmates Full Name And Number

Page 4

55 STATE STREET
AUBURN, N.Y. 13022

Printed

As well as the other countries in this matter by not increasing the population and
returning to the original position in the ancient case of the people.

[illegible]

Thanking you for your time and assistance, I am

Respectfully,
Yours,

Joseph Lung #65884
S.H.U. - L-2

cc

74

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

Exhibit # 76

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Asking for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

CORRESPONDENCE TO PERSONNEL

To: Mr. Robert J. Henderson, Superintendent
 From: Joseph Lamy No: 65884 Date: September 2, 1974
 Re: S.H.U. Case: L-2

Dear Sir:

Concerning my letter to you of September 1, 1974, I forgot to add:

"The three ingredients, the power and credit for which procure a man more action than that of justice; and this because more than any other it requires a man's power and authority among the common people for they only believe the unliant and advise the wise, while in addition they also have just action, and put entire trust and confidence in them. They fear the hollow men, and mistrust the clever men, and moreover think them not fit to be leaders to themselves. I am, therefore, then, a good man of this world, for these are the three: they look upon a man as a certain strength of the mind, and wisdom and constitutional alertness; whereas a man has it in his power to be just, if he have but the will to be so, and therefore, justice is the most difficult thing, because it is least expensable."

Taken from "Plutarch - The Lives of the Noble Grecians and Romans" "Cato the Younger"; pages 943-944, The Modern Library, New York - Translated by John Dryden and revised by Arthur Hugh Clough.

Respectfully yours,

Joseph Lamy - #65884

SHU-L-2

CR

M2

Exhibit # 17

THIS LETTER IS RETURNED TO YOU BECAUSE

- 1. You did not sign properly.
- 2. You did not fill out stub properly.
- 3. Name of addressee has not been approved.
- 4. Letters addressed to General Delivery not permitted.
- 5. It contains Criminal or Prison News.
- 6. It is for packages or money not allowed.
- 7. You are not permitted to receive the articles requested.
- 8. The articles requested can only be received in the sector.

- 9. Correspondence with newspapers or newspaper employees not permitted.
- 10. You cannot have contact with the person named in your letter unless approved by the Superintendent.
- 11. Please inform the warden if you did not sign his name.
- 12. Letters must be submitted Saturday, Sunday or Holidays.
- 13. You did not stick to your subject.
- 14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

Department of Correctional Services - State of New York
Auburn Correctional Facility
Inter-Departmental Communication
Date: September 4, 1974

To: Joseph Lunz #65884 SHU 6-2
FROM: Robert J. Henderson, Superintendent (Signature)
SUBJECT: Your communication of August 28 and 29, 1974

I knew that you don't agree but I tried to remain firm in my conviction that the altercation you were involved in the mess hall was serious enough to merit placing you and the other inmate in Special Housing.

In reference to your suggestion regarding the mess hall routine, I will discuss this with members of the staff to see what can be done. I am not satisfied with the present mess hall at local facility, which has been the same for the past 40 years and I have asked for modification. Perhaps something can be worked out along the lines of your suggestion.

JH

Subscribed and sworn to be a true copy of the
"Communication" of Robert J. Henderson,
dated September 4, 1974.

Subscribed and sworn to before me
this 18 day of October, 1974.

Joseph Lunz

Box 618 - #65884
Auburn, N.Y. 13022

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1432
Qualified in Cayuga County
Commission Expires March 30, 1976

CC

Signature of Official Notary Public
at Auburn Correctional Facility

143

Exhibit #78

THIS LETTER IS RETURNED TO YOU BECAUSE--

1. You did not sign properly.
2. You did not fill out stub properly.
3. Name of addresser has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. Begging for packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received now from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Inmate who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick in your subject.
14. You have no stamps on deposit.

CORRESPONDENCE DEPT. PERSONNEL

Department of Correctional Services - State of New York

Auburn Correctional Facility

Inter-Departmental Communication

Date: September 4, 1974

To: Joseph Lutz #65884 SHU 1-2

From: Robert J. Henderson, Superintendent (Signature)

SUBJECT: Your letter of September 1, 1974

I do not find that any of the actions taken in connection with the incident in which you were involved were in any way in conflict with the rules and regulation of the Department contrary to your contentions. I understand that the Discipline Committee has seen you and will be seeing you again. I am also advised that had you not gotten a misconduct report after you had arrived in the Special Housing Unit you probably would have been released to the population by now.

jr

Subscribed and sworn to be a true copy of the
"Communication" of Robert J. Henderson, dated
September 4, 1974.

Joseph Lutz

Subscribed and sworn to before me
this 18 day of October, 1974.

Box 613 #65884

Auburn, N.Y. 13022

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public
State of New York
Commission Expires 12/31/76

cc

Signature of Official Notary Public
at Auburn Correctional Facility.

144

Exhibit #79

THIS LETTER IS RETURNED TO YOU BECAUSE

- ~~You did not sign properly.~~
- ~~You did not fill out stub properly.~~
- ~~Name of addressee has not been approved.~~
- ~~Letters addressed to General Delivery not permitted.~~
- ~~It contains Criminal or Prison News.~~
- ~~Being for packages or money not allowed.~~
- ~~You are not permitted to receive the articles requested.~~
- ~~The articles requested can only be received now from dealers.~~

- ~~Letters for democratic newspapers or newspaper employees not permitted.~~
- ~~You cannot have a visit with the person named in your letter unless approved by the Superintendent.~~
- ~~Anyone who wrote letter for you did not sign his name.~~
- ~~Special Letters must be submitted Saturday, Sunday or Holidays.~~
- ~~You did not stick to your subject.~~
- ~~You have no stamps on deposit.~~

CORRESPONDENCE DEPT. PERSONNEL

To: Mr. Robert J. Henderson, Superintendent
 FROM: Joseph Lewis No. 64584 Date: September 6, 1974
 Block: 5H4 Cell: 3

Dear Sir:

1) On August 30, 1974 I was involved in a fight in the mess hall because I was violently abused almost across a table by inmate - Fred - after the fight I was brought to the special housing unit in violation of your Rules and Regulations, Section 300.3 (b).

2) On August 31, 1974 I appeared before the Adjustment Committee and I explained my part of the incident to Lieutenant Costello and I named inmate who would support my explanation of the incident.

3) On September 2, 1974 I spoke to Lieutenant Costello and he said that he had spoken to the inmate that I had named and the inmate supported my story and that he (Costello) had a written recommendation to the Adjustment Committee.

4) On September 3, 1974 I appeared before the Adjustment Committee and Lieutenant Norris did not even read the recommendation of Lieutenant Costello, but said that since I have been in here I have been explaining the law to everyone and that the law says that I am supposed to see the Adjustment Committee once a week and that this is my once a week meeting and that I was most likely going to be doing thirty (30) days. I asked him what? He said for fighting in the mess hall. I said that I did not start it it was not my fight. I did not punch the other inmate almost across the table in the mess hall. What am I supposed to do under completely abusive almost across a table, stand there? He changed his mind and I told him to be his thirty (30) days I wanted sixty (60) days because the thirty days is like his justice party and I want more.

5) I explained to you in a letter dated Sept. 1, 1974 that my explanation in the special housing unit in violation of your Rules and Regulations, I followed that letter again in the letter of September 3, 1974.

Now he said that since you can not give me justice I do not want your punishment within according to Chapter 300.3 (b), the Adjustment Committee can do for action for three (3) months I would recommend over telling the Adjustment Committee to deliberate in my case until October 23, 1974 or November 22, 1974, because with your petty justice and petty punishment, I want and the period of my life for submitting to your petty justice.

Please be informed that this letter is being submitted today as exhibit #79 to the Federal Southern District Court, Foley Square - U. S. Court House, New York, N.Y., in the action of - Lewis v. Prisoners and 145

(OVER)

AUBURN CORRECTIONAL FACILITY

Write nothing on this stub except your name and number and the address of correspondent.

Letterhead must be used by inmate to whom issued.

Write only on the lines.

Sign your full name and number at close of letter.

Date _____

Name _____

Number _____ Grade _____

Shop _____

Written by _____ No. _____

(Signature)

If addressee has moved since last letter was mailed

Check here if new Address is temporary

Check here if new Address is permanent

Addressed to:

Name _____

Street & No. _____

City _____ State _____

Relationship _____

* Name _____

Street & No. _____

City _____ State _____

When Replying Sign Your Full Name And Address Give Inmate Full Name And Number

@

135 STATE STREET
AUBURN, N. Y. (13022)

Date _____

Patterson

cc: F.S.D.C. of N.Y.

Att. Gen. of S.C. N.Y.

Mr. Prison Commissioner

Mr. Patterson, Superintendent

Subscribed and sworn to before me

this day of September, 1974

(Elaine A. Graves - signature)

Signature of Official Notary Public
at Auburn Correctional Facility.

ELAINE A. GRAVES
Notary Public, State of New York
Qualified in Cayuga County
My Comm. Expires March 30, 1975

Respectfully,
Joseph Lunny

Box 615

#65884

Auburn, N.Y. 13022

cc

Subscribed and sworn to be a true copy of the letter
notarized on the 6th day of September, 1974.

Subscribed and sworn to before me

this 18 day of October, 1974

Joseph Lunny

Dorothy J. Burns

DOROTHY J. BURNS
Notary Public, State of New York
No. 1362
Qualified in Cayuga County
Commission Expires March 30, 1976

Box 615 - #65884

Auburn, N.Y. 13022

cc

Signature of Official Notary Public
at Auburn Correctional Facility.

146

Exhibit #50

9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Anyone who wrote letter for you did not sign his name.
12. Special Letters must be submitted Saturday, Sunday or Holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

Sir,
 I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
 I am, Sir, very respectfully,
 Your obedient servant,
 J. H. [Signature]
 Secretary to the Board of Education
 New York City

~~James M. Smith~~

~~1916 - 1917 - 1918 - 1919 - 1920 - 1921 - 1922 - 1923 - 1924 - 1925 - 1926 - 1927 - 1928 - 1929 - 1930 - 1931 - 1932 - 1933 - 1934 - 1935 - 1936 - 1937 - 1938 - 1939 - 1940 - 1941 - 1942 - 1943 - 1944 - 1945 - 1946 - 1947 - 1948 - 1949 - 1950 - 1951 - 1952 - 1953 - 1954 - 1955 - 1956 - 1957 - 1958 - 1959 - 1960 - 1961 - 1962 - 1963 - 1964 - 1965 - 1966 - 1967 - 1968 - 1969 - 1970 - 1971 - 1972 - 1973 - 1974 - 1975 - 1976 - 1977 - 1978 - 1979 - 1980 - 1981 - 1982 - 1983 - 1984 - 1985 - 1986 - 1987 - 1988 - 1989 - 1990 - 1991 - 1992 - 1993 - 1994 - 1995 - 1996 - 1997 - 1998 - 1999 - 2000 - 2001 - 2002 - 2003 - 2004 - 2005 - 2006 - 2007 - 2008 - 2009 - 2010 - 2011 - 2012 - 2013 - 2014 - 2015 - 2016 - 2017 - 2018 - 2019 - 2020 - 2021 - 2022 - 2023 - 2024 - 2025 - 2026 - 2027 - 2028 - 2029 - 2030 - 2031 - 2032 - 2033 - 2034 - 2035 - 2036 - 2037 - 2038 - 2039 - 2040 - 2041 - 2042 - 2043 - 2044 - 2045 - 2046 - 2047 - 2048 - 2049 - 2050 - 2051 - 2052 - 2053 - 2054 - 2055 - 2056 - 2057 - 2058 - 2059 - 2060 - 2061 - 2062 - 2063 - 2064 - 2065 - 2066 - 2067 - 2068 - 2069 - 2070 - 2071 - 2072 - 2073 - 2074 - 2075 - 2076 - 2077 - 2078 - 2079 - 2080 - 2081 - 2082 - 2083 - 2084 - 2085 - 2086 - 2087 - 2088 - 2089 - 2090 - 2091 - 2092 - 2093 - 2094 - 2095 - 2096 - 2097 - 2098 - 2099 - 2100 - 2101 - 2102 - 2103 - 2104 - 2105 - 2106 - 2107 - 2108 - 2109 - 2110 - 2111 - 2112 - 2113 - 2114 - 2115 - 2116 - 2117 - 2118 - 2119 - 2120 - 2121 - 2122 - 2123 - 2124 - 2125 - 2126 - 2127 - 2128 - 2129 - 2130 - 2131 - 2132 - 2133 - 2134 - 2135 - 2136 - 2137 - 2138 - 2139 - 2140 - 2141 - 2142 - 2143 - 2144 - 2145 - 2146 - 2147 - 2148 - 2149 - 2150 - 2151 - 2152 - 2153 - 2154 - 2155 - 2156 - 2157 - 2158 - 2159 - 2160 - 2161 - 2162 - 2163 - 2164 - 2165 - 2166 - 2167 - 2168 - 2169 - 2170 - 2171 - 2172 - 2173 - 2174 - 2175 - 2176 - 2177 - 2178 - 2179 - 2180 - 2181 - 2182 - 2183 - 2184 - 2185 - 2186 - 2187 - 2188 - 2189 - 2190 - 2191 - 2192 - 2193 - 2194 - 2195 - 2196 - 2197 - 2198 - 2199 - 2200 - 2201 - 2202 - 2203 - 2204 - 2205 - 2206 - 2207 - 2208 - 2209 - 2210 - 2211 - 2212 - 2213 - 2214 - 2215 - 2216 - 2217 - 2218 - 2219 - 2220 - 2221 - 2222 - 2223 - 2224 - 2225 - 2226 - 2227 - 2228 - 2229 - 2230 - 2231 - 2232 - 2233 - 2234 - 2235 - 2236 - 2237 - 2238 - 2239 - 2240 - 2241 - 2242 - 2243 - 2244 - 2245 - 2246 - 2247 - 2248 - 2249 - 2250 - 2251 - 2252 - 2253 - 2254 - 2255 - 2256 - 2257 - 2258 - 2259 - 2260 - 2261 - 2262 - 2263 - 2264 - 2265 - 2266 - 2267 - 2268 - 2269 - 2270 - 2271 - 2272 - 2273 - 2274 - 2275 - 2276 - 2277 - 2278 - 2279 - 2280 - 2281 - 2282 - 2283 - 2284 - 2285 - 2286 - 2287 - 2288 - 2289 - 2290 - 2291 - 2292 - 2293 - 2294 - 2295 - 2296 - 2297 - 2298 - 2299 - 2300 - 2301 - 2302 - 2303 - 2304 - 2305 - 2306 - 2307 - 2308 - 2309 - 2310 - 2311 - 2312 - 2313 - 2314 - 2315 - 2316 - 2317 - 2318 - 2319 - 2320 - 2321 - 2322 - 2323 - 2324 - 2325 - 2326 - 2327 - 2328 - 2329 - 2330 - 2331 - 2332 - 2333 - 2334 - 2335 - 2336 - 2337 - 2338 - 2339 - 2340 - 2341 - 2342 - 2343 - 2344 - 2345 - 2346 - 2347 - 2348 - 2349 - 2350 - 2351 - 2352 - 2353 - 2354 - 2355 - 2356 - 2357 - 2358 - 2359 - 2360 - 2361 - 2362 - 2363 - 2364 - 2365 - 2366 - 2367 - 2368 - 2369 - 2370 - 2371 - 2372 - 2373 - 2374 - 2375 - 2376 - 2377 - 2378 - 2379 - 2380 - 2381 - 2382 - 2383 - 2384 - 2385 - 2386 - 2387 - 2388 - 2389 - 2390 - 2391 - 2392 - 2393 - 2394 - 2395 - 2396 - 2397 - 2398 - 2399 - 2400 - 2401 - 2402 - 2403 - 2404 - 2405 - 2406 - 2407 - 2408 - 2409 - 2410 - 2411 - 2412 - 2413 - 2414 - 2415 - 2416 - 2417 - 2418 - 2419 - 2420 - 2421 - 2422 - 2423 - 2424 - 2425 - 2426 - 2427 - 2428 - 2429 - 2430 - 2431 - 2432 - 2433 - 2434 - 2435 - 2436 - 2437 - 2438 - 2439 - 2440 - 2441 - 2442 - 2443 - 2444 - 2445 - 2446 - 2447 - 2448 - 2449 - 2450 - 2451 - 2452 - 2453 - 2454 - 2455 - 2456 - 2457 - 2458 - 2459 - 2460 - 2461 - 2462 - 2463 - 2464 - 2465 - 2466 - 2467 - 2468 - 2469 - 2470 - 2471 - 2472 - 2473 - 2474 - 2475 - 2476 - 2477 - 2478 - 2479 - 2480 - 2481 - 2482 - 2483 - 2484 - 2485 - 2486 - 2487 - 2488 - 2489 - 2490 - 2491 - 2492 - 2493 - 2494 - 2495 - 2496 - 2497 - 2498 - 2499 - 2500 - 2501 - 2502 - 2503 - 2504 - 2505 - 2506 - 2507 - 2508 - 2509 - 2510 - 2511 - 2512 - 2513 - 2514 - 2515 - 2516 - 2517 - 2518 - 2519 - 2520 - 2521 - 2522 - 2523 - 2524 - 2525 - 2526 - 2527 - 2528 - 2529 - 2530 - 2531 - 2532 - 2533 - 2534 - 2535 - 2536 - 2537 - 2538 - 2539 - 2540 - 2541 - 2542 - 2543 - 2544 - 2545 - 2546 - 2547 - 2548 - 2549 - 2550 - 2551 - 2552 - 2553 - 2554 - 2555 - 2556 - 2557 - 2558 - 2559 - 2560 - 2561 - 2562 - 2563 - 2564 - 2565 - 2566 - 2567 - 2568 - 2569 - 2570 - 2571 - 2572 - 2573 - 2574 - 2575 - 2576 - 2577 - 2578 - 2579 - 2580 - 2581 - 2582 - 2583 - 2584 - 2585 - 2586 - 2587 - 2588 - 2589 - 2590 - 2591 - 2592 - 2593 - 2594 - 2595 - 2596 - 2597 -~~

(Elaine A Graves - signature)

Signature of Official Notary Public
of Auburn Correctional Facility

CLARENCE A. GRAPES
History Publishing, Detroit, Mich. 48206
Cass County, Ill. 62401
My Commission Expires on Feb 29, 1971

June 15

Work Key # 05884-SHA-L-4

Gulfport, N.Y. Box 22

८८

Subscribed and sworn to be a true copy of
the latter notarial on the 6 day of
September, 1874.

Subscribed and sworn to before me
this 18 day of October, 1874.

Dorothy J Burns

2000
2000

Joseph Lutz

Box 613 - #15887

Auburn, N. Y. 13022

147 20

Exhibit #81

~~THIS LETTER IS RETURNED TO YOU BECAUSE~~

1. You did not sign properly.
2. You did not fill out card properly.
3. Name of addressee has not been approved.
4. Letters addressed to General Delivery not permitted.
5. It contains Criminal or Prison News.
6. It is too large, packages or money not allowed.
7. You are not permitted to receive the articles requested.
8. The articles requested can only be received new from dealer.
9. Correspondence with newspapers or newspaper employees not permitted.
10. You cannot have a visit with the person named in your letter unless approved by the Superintendent.
11. Persons who write letter for you did not sign his name.
12. Letters must be submitted Saturday, Sunday and holidays.
13. You did not stick to your subject.
14. You have no stamps on deposit.

~~CORRESPONDENCE DEPT. PERSONNEL~~

Department of Correctional Services - State of New York
Auburn Correctional Facility
Inter-Departmental Communication

Date September 14, 1974

To: Joseph Lutz #16584 SHU 1-2
FROM: Robert J. Henderson, Superintendent (Signature)
SUBJECT: Your letter of September 6, 1974

You are being confined in Special Housing Unit in accordance with Chapter V and VI.
I suggest you cooperate. Lt. Nuccio is evaluating your attitude and behavior weekly.

jr

Subscribed and sworn to be a true copy of the
"Communication" of Robert J. Henderson, dated
September 14, 1974.

Joseph Lutz

Subscribed and sworn to before me
this 18 day of October, 1974.

Box 1618 #16584
Auburn, N.Y. 13022

Dorothy J. Burns

cc

Signature of Official Notary Public
at Auburn Correctional Facility

DOROTHY J. BURNS
Notary Public, State of New York
No. 1422
Qualified in Cayuga County
Commission Expires March 30, 1976

148

AULURN CORRECTIONAL FACILITY

January 11, 1974

Exhibit #84

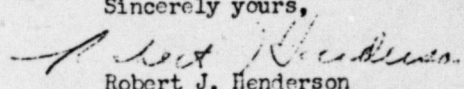
Departmental policy permits inmates to mail confidential and sealed letters to governmental executives, courts, attorneys in view of objectives of resocialization of inmates and assistance in solution of personal and legal problems.

If the inmate writer raises a problem over which this facility or the Dept. of Correctional Services has jurisdiction, you may wish to write to me or the Comm. of Correctional Services, Department of Correctional Services, Albany, New York, 12225.

If the inmate writer encloses for forwarding purposes, correspondence addressed to another person, please return same to me or to the Commissioner.

In your reply to the inmate, we would appreciate your limiting the content to matters involving the inmates own situation and that there be nothing else sent in these confidential letters. The reason for our concern is that since initiating this more liberal policy we have noted that contraband has been sent in to some of the institutions via this route. We know that in almost all instances it has been unintentional, but is nonetheless serious.

Sincerely yours,


Robert J. Henderson
Superintendent

149

Exhibit #82

UBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Correspondence Department
FROM: Joseph Perry NO. 65284 DATE: 10-4-74
BLOCK C CO. 20 CELL: 3 SHOP Washing Machine
SUBJECT: (State exactly what you want. Do not ask
for an interview without stating your problem.)

Dear Sir,

Tonight I had a notarized letter to Mrs. J. E. LaVallee
returned to me because I am \$2.83 in the hole on my stamp
account.

On October 1, 1974 I dropped in a stamp by slip for \$3.50.

I would appreciate your mailing me a legal mail, you do not have
to be afraid of my cheating you out of a few cents worth of stamps.

Thank you,

cl

DO NOT WRITE BELOW THIS LINE

Exhibit #83

AUBURN CORRECTIONAL FACILITY
REQUEST FOR INTERVIEW OR INFORMATION

TO: Correspondence Department

FROM: Joseph L. King NO. 65284 DATE: 10-7-74

BLOCK C CO. 10 CELL: 3 SHOP 1

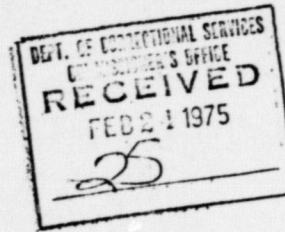
SUBJECT: (State exactly what you want. Do not ask for an interview without stating your problem.)

Dear Sir:
I bought a stamp by slip in on October 1, 1974 for \$3.50.
On October 2, 1974 I wrote a letter to Mr. J. L. Keller not signed
and the meter, public, Miss Thomas would not let me seal the envelope.
On October 4, 1974 the letter was returned to me because I was over
\$2.23 in meter fee. I wrote a note explaining that I bought a stamp
by slip in on October 2, 1974, and attached it to a sealed legal
envelope, which was returned to me on October 5, 1974 with a note
saying that I can not seal the envelope, I wrote out a letter head
and put it in a sealed envelope and gave it to a officer,
thought it was returned to me sealed with a note saying that

DO NOT WRITE BELOW THIS LINE

151

United States District Court
Southern District of New York



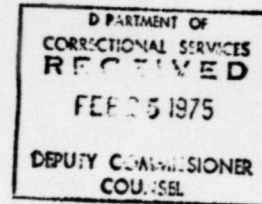
In the Matter of Joseph Lanz,
Plaintiff,

-Against-

Peter Pecora, Commissioner of the
Department of Correctional Services,
and Jerome M. Portman, Superintendent
of the Eastern New York Correctional
Facility,
Defendants.

Notice of Appearance

T. Civ. 121



Dear Sirs:

Please Take Notice that upon the attached application and affidavit of Joseph Lanz, duly sworn on the 18 day of February, 1975, the plaintiff will move in the United States District Court, Southern District of New York, located at Foley Square, New York, N.Y., at 10:00 in the Forenoon on the 24 day of February, 1975, or as soon thereafter as plaintiff may be heard on his Application for Entry of Default.

Respectfully yours,

Joseph Lanz

Plaintiff, Pro Se
Auburn Correctional Facility
Box 612 - #15244
Auburn, N.Y. 13022

Dated: February 18, 1975
Auburn, N.Y. 13022

~~JS~~

United States District Court
Southern District of New York

In the Matter of Joseph Long,

Plaintiff,

- Against -

Peter Prineas, Commissioner of the
Department of Correctional Services,
and Jerome W. Patterson, Superintendent
of the Eastern New York Correctional Facility,
Defendants.

Application For Entry of Default

75 Civ. 939

Honorable Sir:

Plaintiff respectfully request that the Court will enter default against Peter Prineas, Commissioner of the Department of Correctional Services, (and his successor), and, Jerome W. Patterson, Superintendent of the Eastern New York Correctional Facility, Defendants, for failure of the said Defendants to plead, answer, or otherwise defend in the above entitled action as required by law.

Respectfully Submitted

Joseph Long

Plaintiff, Pro-Se

Auburn Correctional Facility,

Box 113 - #65824

Auburn, N.Y. 13022

Subscribed and sworn to before me
this 28 day of February, 1975.

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1422
Qualified in Cayuga County
Commission Expires March 30, 1976

State of New York } ss.
County of Cayuga }

Affidavit Support of Application for Entry of Default

Joseph Lenz, being first duly sworn says:

1.) That he is the plaintiff in the Affidavit of Civil Rights Complaint of October 18, 1974, 75 Civ. 131, and knows the facts set forth in this affidavit to be true.

2.) That an examination of the court's files and records in this case will show that the defendants herein were served by the United States Marshal with a copy of the summons, issued by Judge Wyatt on January 23, 1975, together with a copy of the Affidavit of Civil Rights Complaint, on the 23 day of January, 1975.

3.) That more than 20 days have elapsed since the date on which the defendants herein were served with the summons and copy of the complaint, excluding the date thereof.

4.) That the defendants herein have failed to answer or otherwise defend against the plaintiff's complaint, or serve a copy of any answer or other defense which they might have, upon the plaintiff.

5.) That this affidavit is executed by affiant in accordance with Rule 35(a) of the Federal Rules of Civil Procedure, for the purpose of enabling the plaintiff to obtain an entry of default against the defendants for their failure to answer or otherwise defend in this action.

Respectfully yours,

Joseph Lenz

Affiant

Subscribed and sworn to before me this

18 day of February, 1975.

Dorothy J. Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1432
Qualified in Cayuga County
Commission Expires March 30, 1976

State of New York } ss.
County of Cayuga }

Affidavit of Service

Joseph Kunz, being duly sworn, deposes and says:

That on the 18. day of February, 1975, he placed in the hands of the Notary Public at Auburn Correctional Facility, three (3) copies of the enclosed Notice of Application, Application for Entry of Default, Affidavit in Support of Application for Entry of Default, with instructions to post same via first class mail, postage prepaid, as directed below:-

One (1) copy to:

Pro S. Clerk, U.S. Court House
Foley Square
New York, N.Y. 10007

One (1) copy to:-

Commissioner of Correctional Services
The State Office Building Complex
Albany, N.Y. 12224

One (1) copy to:-

Mr. Jerome M. Patterson, Superintendent
Box R
Nipponack, N.Y. 12458

Yours truly,

Joseph Kunz

Affiant

Subscribed and sworn to before me
the 18. day of February, 1975.

Dorothy J Burns

Signature of Official Notary Public
at Auburn Correctional Facility.

DOROTHY J. BURNS
Notary Public, State of New York
No. 1502
Qualified in Cayuga County
Commission Expires March 30, 1976

17

Due to a misnumbering, pages 156-159 do not exist.

87

Plaintiff,

Commissioner of the
Department of Correctional Services,
W. W. PATTERSON, Superintendent
Eastern New York Correctional Facility,
Defendants.



so no 75 Civ. 139

This is an application by plaintiff law, acting
for himself without counsel, "for entry of default". The
application was made returnable on February 24, 1975. There
is an affidavit of service on defendants by mail. There was
no response by defendants.

The action was commenced on January 13, 1975.
Defendant Peter Preiser (Preiser) is the Commissioner of the
New York Department of Correctional Services. Defendant Jerome
W. Patterson (Patterson) is the Superintendent of the Eastern
New York Correctional Facility. According to returns of the
marshal, Preiser was served with a summons and complaint on
January 3, 1975; Patterson was served on February 5, 1975.
Neither defendant has answered and both are therefore in default.

Since this is not an action "for a sum certain",
default may be entered only by the Court. Fed. R. Civ. P.
37(a)(1) and (2). The Court has broad discretion in deciding
whether to enter the default. United States ex rel. Houghton v.
Houghton, 257 F.Supp. 557 (E.D.N.Y. 1966), aff'd 379 F.2d
100 (2d Cir. 1967); 6 Moore's Fed. Practice p. 55-52 and
following.

The Court will consider the complaint and, if it
is found to state a claim on its face, will grant the relief
sought by default. Since the relief sought is equitable in
nature, the Court will be guided by equitable considerations
in determining the scope and kind of relief granted.

The complaint is a 33-page handwritten recital of
what appears to be everything that has happened to plaintiff
since about March of 1974. There are 34 exhibits. The
complaint is not, therefore, the "short and plain statement of
the claim" required by Fed. R. Civ. P. 8(a). Since the
complaint was drawn by plaintiff acting without counsel, it
will be liberally construed. Defendants having defaulted in
answering, the averments of the complaint must be accepted
as true and what is recited herein comes from the complaint
and exhibits.

100-041973

1.

Plaintiff is presently in the custody of the New York State Department of Correctional Services, pursuant to a 20-year-to-life sentence for second degree murder, imposed by the New York Supreme Court, Queens County, on August 23, 1965. He brings this action, acting for himself without counsel, seeking a declaratory judgment that his May 11, 1974 transfer from the Eastern New York Correctional Facility (Eastern) to the Auburn Correctional Facility at Auburn (Auburn) was illegal and unconstitutional, and seeking an injunction ordering defendants to return him to Eastern. He also seeks a declaratory judgment that defendants have been "harassing" him by withholding his mail, and an order enjoining them from further harassment.

The transfer is said to be in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendments to the United States Constitution. Plaintiff seeks relief under 42 U.S.C. §§ 1983 and 1983. Plaintiff also alleges jurisdiction under 28 U.S.C. §§ 2281 and 2284(3) and (4), and states that "[t]he statute being challenged is Section 23(1) of the Correction Law of the State of New York". (Complaint, para IV) This might suggest that a three-judge court should be convened to consider the general constitutionality of that statute. However, since plaintiff's request for relief only demands a declaratory judgment that his transfer was illegal, and an injunction that he be returned to Eastern, it will be assumed that he does not attack the general constitutionality of Section 23(1). Therefore, a three-judge court is not required. See Ault v. Holmes, 506 F.2d 283 (6th Cir. 1974).

2.

On April 12, 1974, plaintiff was transferred, pursuant to his repeated requests, from Clinton Correctional Facility to Eastern. Plaintiff had requested this transfer in order to attend the vocational plumbing school at Eastern; on May 3, 1974, he started at this school. On May 5, 1974, plaintiff was involved in an altercation with another inmate named Regina; this fight, plaintiff says, was started by Regina. On May 11, 1974, plaintiff was transferred from Eastern to Auburn, where he is now incarcerated. He was given no opportunity to object to this transfer. Auburn has a "maintenance plumbing shop", but no "vocational plumbing school".

During May of 1974, plaintiff and some of his friends and relatives wrote to various persons in the Department of Corrections in an attempt to find out the reasons for plaintiff's transfer (see Exs. 4-12, 18-20). Responses were received from Mr. LaBart of the parole office at Auburn (Ex. 4), Mr. William

Wilkin, Correction Counselor at Auburn (Ex. 7), J. W. Patterson, Superintendent of Eastern (Ex. 22), and Edward H. Carroll, Executive Assistant to defendant Preiser (Ex. 26). Plaintiff also attaches as an exhibit a letter from J. W. Patterson, Superintendent of Eastern, to Ms. Vicki Cummings, explaining the reasons for plaintiff's transfer (Ex. 27).

The letter of Mr. Carroll, dated June 13, 1974 (Ex. 26) is typical of the responses plaintiff received. In relevant part, it states:

"You were transferred to Auburn Correctional facility on May 11, 1974 because in our judgment you have the potential for a more productive and meaningful adjustment at that facility. We have known you since September 1965 and it is the Department's responsibility to assist you in every way possible in the attainment of worthwhile goals during your confinement. For us to be of service to you, requires your trust and confidence in us. Do your best at Auburn and perhaps at a later date you can consult your Correction Counselor for an evaluation of your progress with a view to determining your suitability for programs at our other facilities."

Plaintiff also received information in a letter dated June 14, 1974, from Joseph Oppen, Administrative Aide in the Prisoners' Rights Project of the Legal Aid Society in New York City (Ex. 29). Mr. Oppen wrote:

"I just spoke with James Howser, assistant to Deputy Commissioner Elvin. He informed me that you were transferred from Napanoch [apparently this is a reference to Eastern] because you were involved in a fight with another inmate. Is this what happened? In addition Mr. Howser said that a special arrangement had to be made for a transfer to Napanoch because of your age. How old are you? Were you in a fight? Who told you that you were being transferred to a plumbing school at Auburn? Were you given any opportunity to explain what happened?"

This letter indicates that at least one reason for plaintiff's transfer to Auburn was his fight with Regina at Eastern.

Plaintiff's complaint, fairly read, alleges that the fight was a reason for the transfer, and that a transfer based on such a reason is unconstitutional (presumably, a denial of due process) unless the prisoner is given a hearing (complaint para XII). The defendants having defaulted, the Court can only find that plaintiff's fight was one reason for his transfer, and thus that the transfer was not for purely "administrative" reasons.

Under Hewkirk v. Butler, 499 F.2d 1214 (2d Cir.), cert. granted under name of Butler v. Hewkirk, U.S. 95 S.Ct. 172 (1974), and under United States ex Mel. Haynes v. Mont. Co., 505 F.2d 977 (2d Cir. 1974), a hearing would be required before transfer if the transfer would in some way cause harm to the prisoner. Given the standards laid down in the Haynes opinion (505 F.2d at 981 and following) and also given the necessity of accepting plaintiff's allegations, plaintiff clearly was hurt by the transfer here. One of the injuries occasioned by transfer noted by the Court of Appeals in Haynes was that "education and rehabilitative programs can be interrupted". (505 F.2d at 982) Also, in Hewkirk (above cited at 1217), it was said:

"Hewkirk was deprived of . . . job and training opportunities for which he had waited for six years and which he was apparently eager to retain. Since this was a substantial loss he was entitled to know the reasons for the transfer . . .".

Plaintiff's allegations of his desire to attend plumber's school, available at Eastern but not at Auburn, clearly entitles him to relief under these cases.

3.

Plaintiff further seeks an order directing defendants to "cease harassing the plaintiff, and returning packages that are addressed to the plaintiff to their original senders and withholding from the plaintiff any packages that may be sent to the plaintiff by the plaintiff's friends and other sources . . .". (complaint, para XVIII) The reference is to some letters and packages sent to plaintiff at Clinton and Eastern, which have been delayed in getting to him at Auburn. While it is hard to understand from plaintiff's complaint exactly what happened, it is clear that it was at worst administrative bungling not rising to the level of a constitutional violation. This part of plaintiff's demand for relief is denied.

4.

Having determined that plaintiff's transfer from Eastern to Auburn without a prior hearing violated plaintiff's constitutional rights to due process, the Court must determine the proper relief. Since the Court has found that plaintiff, because of the transfer, lost a chance to attend vocational plumbing school, it is apparent that the proper relief is to order that plaintiff be transferred back to Eastern and re-instituted in the school. Furthermore, since the Court has found that plaintiff's transfer to Auburn was a violation of due process, and since it is possible that records concerning

that transfer could be injurious to plaintiff, the Court will grant plaintiff's request for an order directing defendants "to expunge from all the records concerning the plaintiff, the reason for the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974 . . .". (Complaint, para XVIII)

The motion of plaintiff for default judgment is granted and the Clerk is directed to enter final judgment

(1) that defendants cause plaintiff to be transferred to the Eastern New York Correctional Facility, and enrolled in the vocational plumbing school there; and

(2) that defendants cause the reasons, if any, given in plaintiff's prison records for the May 11, 1974 transfer of plaintiff from Eastern to Auburn to be expunged from those records.

The Clerk is directed to mark this action as closed.

SO ORDERED.

Dated:

Inger Bleyall

INGER B. BLEYALL
United States District Judge

JUDGMENT ENTERED - 3-4-75

Raymond J. Burghardt
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of the
Department of Correctional Services,
JEROME W. PATTERSON, Superintendent,
Eastern New York Correctional Facility,

Defendants.
-----X

:
:
: NOTICE OF MOTION

: 74 Civ. 139
: I.B.W.
: Pro Se

S I R S :

PLEASE TAKE NOTICE that upon the complaint dated October 18, 1974, the summons dated January 13, 1975, the notice of default dated February 18, 1975, the default judgment entered March 4, 1975 and the annexed affidavit of DAVID L. BIRCH, sworn to the 7th day of March, 1975, the undersigned will move this Court before Judge Wyatt at Room 102, United States Courthouse, Foley Square, New York, New York, on the 21st day of March, 1975, at 2:30 o'clock in the afternoon or as soon thereafter as counsel can be heard for an order pursuant to Rules 55(c) and 60(b) of the Federal Rules of Civil Procedure setting aside the default judgment on the basis of the excusable neglect of the attorney for the defendants.

Dated: New York, New York
March 7, 1975

Yours, etc.,

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants
By:

DAVID L. BIRCH
Deputy Assistant Attorney General
Office and P.O. Address
Two World Trade Center
New York, New York 10047
Tel. No. (212) 488-3447

TO: MR. JOSEPH LUNZ
Box 618
Auburn Correctional Facility
Auburn, New York 13022

165

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of the
Department of Correctional Services,
JEROME W. PATTERSON, Superintendent,
Eastern New York Correctional Facility,

Defendants.
-----X

:
:
:
: AFFIDAVIT

: 74 Civ. 139
: I.B.W.
: Pro Se

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

DAVID L. BIRCH, being duly sworn, deposes and says:

1. I am a Deputy Assistant Attorney General in the office of LOUIS J. LIEFKOWITZ, Attorney General of the State of New York, attorney for defendants herein. I submit this affidavit in support of defendants' motion to set aside the default judgment entered on March 4, 1975.

2. The summons in this action was served on the Department of Correctional Services, for Defendant Preiser, on February 3, 1975, and an answer was not due therefore until February 24, 1975, since February 23, 1975 fell on a Sunday. Deponent's file contains no record of when or if a summons was served on defendant Patterson.

The motion for default was received by the Department of Correctional Services, for defendant Preiser, on February 24, 1975, and by defendant Patterson on February 20, 1975. Both motions were not received by deponent until February 27, 1975.

The motion for default was thus made prior to the date the answer was due. The decision of the Court states that the motion for default was returnable on February 24, 1975 while the returns of the Marshal indicate that defendant Preiser was served on February 3, 1975 and defendant Patterson on February 5, 1975. Thus when the motion for default was made no answer was yet due.

3. Deponent to whom the case was assigned, of course, should have either answered the complaint by February 24, 1975 or requested an extension of time, neither of which deponent did. Deponent was first about to request an extension of time on March 5, 1975 when he learned of the default judgment.

4. Deponent, however, states the reasons for the neglect of the complaint. The week before the answer was due, deponent (1) wrote and filed a brief in the Supreme Court of the State of New York, Appellate Division, First Department, Delton v. Jones; (2) drew up a brief and affidavit for the Supreme Court, New York County in Lawrence v. Nathan's Famous, et al; (3) drew up an affidavit in opposition for the Eastern District of New York in Lawrence v. Glowa, et al; (4) wrote a brief and affidavit in Cataldo v. Kolb, et al, for the Supreme Court, New York County; (5) appeared in Supreme Court, Kings County, Special Term 4 in In Re Engine Co. 234, and (6) completed most of a brief in United States ex rel. Lewis v. Henderson, for the United States Court of Appeals for the Second Circuit.

During the week of February 24, 1975, when the answer was due and the notice of default received, deponent (1) finished, xeroxed and filed the Second Circuit brief in Lewis, supra:

(2) wrote a brief for the Supreme Court, First Appellate Division in People ex rel. Allah v. Warden; (3) wrote a brief for the Supreme Court, Second Department in Matter of Sanatar v. Vincent; (4) wrote a brief and affidavit in Tanner v. Preiser, et al for the Southern District of New York, and (5) wrote a brief, affidavits and answer for the Supreme Court, Queens County in Richmond Hill Block Association v. Department of Mental Hygiene, et al.

Deponent spent most of March 3, 1975 in Supreme Court, Queens County in the Richmond Hill case and on March 4, 1975 drew up the request for a time extension in this case which was typed on March 5, 1975.

In addition to the work completed deponent has fifteen pro se cases pending in addition to this case, four state appeals to perfect, plus various other legal papers that must be done as quickly as possible.

Deponent lists the above in support of his motion to set aside the default judgment for excusable neglect. The above work schedule is listed to indicate to the Court that deponent did not cavalierly fail to answer the complaint or the motion for default. Rather, deponent attempts to respond to the pro se matters as expeditiously as possible but due to the press of work, extensions must often be requested, and requests for extension sometimes cannot be promptly filed, even though deponent has worked most evenings and ^{Weekends}. Apparently, limitations in the state budget have not permitted the replacement of attorneys who have recently left the office, and deponent's belief is that transfer of the case to another attorney would merely have added to his or her burden. The United States

government apparently with less financial stress than the State is granted 60 days to respond to complaints and is protected from default while the State is given merely 20 days. Unlike a private practitioner, the Attorney General cannot turn down a case.

Because of this volume of work, it has been usual to request and receive extensions to respond to complaints and petitions. No previous request for an extension has been denied deponent in other cases even where inadvertently requested after the date the response was due.

5. In Horn v. Intellectron Corp., 294 F. Supp. 1153, 1155 (S.D.N.Y. 1968) the Court stated that "Rule 60(b) should be liberally construed to resolve doubts (if any) in favor of setting aside default judgments so that cases may be decided on their merits." Securities and Exchange Commission v. Vogel, 49 F.R.D. 297 (S.D.N.Y. 1969); Wallace v. DeWard, 47 F.R.D. 4 (D. Ct., Virgin Islands, 1969). Since the issues here involve questions of New York State policy it is especially important that a decision be on the merits.

The circumstances of the short delay here do not rise to that level of extreme circumstances that justify so drastic a remedy as a default judgment. See Independent Productions Corp. v. Loews, Inc., 283 F. 2d 730, 733 (2d Cir., 1960); Flaska v. Little River Marine Construction Co., 389 F. 2d 885 (5th Cir., 1968) cert. den. 392 U.S. 928.

6. The State should be permitted to offer its defense. Newkirk v. Butler, 499 F. 2d 1214 (2d Cir. 1974) cert. granted sub. nom. Preisner v. Newkirk, ___ U.S. ___, 95 S. Ct. 172 (1974) and United States ex rel. Haynes v. Montanya, 505 F. 2d 977 (2d Cir. 1974) were decided after plaintiff's transfer; and as the

Court stated in Wolff v. McDonnell, 418 U.S. 539 (1974) (at pp. 573-74) new procedural rules affecting prison discipline are not made retroactive out of consideration for the burden on state officials.

6. On information supplied deponent found the Eastern Correctional Facility it appears that plaintiff's transfer resulted from the necessity to separate two hostile inmates and was therefore not disciplinary.

Assuming arguendo that the transfer was improper without a hearing, proper relief is the providing of a hearing.

WHEREFORE, defendants request that the entry of the default judgment be set aside for excusable neglect and that they be permitted to respond to the complaint.

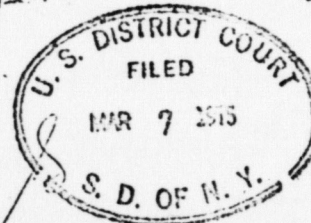
DAVID L. BIRCH

Sworn to before me this
7th day of March, 1975

Assistant Attorney General
of the State of New York

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of the
Department of Correctional Services,
JEROME W. PATTERSON, Superintendent,
Eastern New York Correctional Facility,

Defendants.
-----X

: NOTICE OF MOTION
: 75 Civ. 139
: I.B.W.
: Pro Se
:

S I R S :

PLEASE TAKE NOTICE that upon the complaint dated October 18, 1974, the summons dated January 13, 1975, the notice of default dated February 18, 1975, the default judgment entered March 4, 1975 and the annexed affidavit of DAVID L. BIRCH, sworn to the 7th day of March, 1975, the undersigned will move this Court before Judge Wyatt at Room 102, United States Courthouse, Foley Square, New York, New York, on the 21st day of March, 1975, at 2:30 o'clock in the afternoon or as soon thereafter as counsel can be heard for an order pursuant to Rules 55(c) and 60(b) of the Federal Rules of Civil Procedure setting aside the default judgment on the basis of the excusable neglect of the attorney for the defendants.

Dated: New York, New York
March 7, 1975

Yours, etc.,

LOUIS J. LEFKOWITZ

Please take
copy of a
this day duly en
the Clerk of
Dated, N.Y.,

LOU

Attorney for
Office of
Capitol
Ne
WORLD TRADE C
To

Attorney for

Sir:--
Please take

will be present
herein to the
one of the jud

in the Borough
City of New York

Dated, N.Y.,

LO

Attorney
Office
Capitol
N
WORLD TRADE
To

171

notice that the within is a true
entered herein in the office of

Yours, etc.,
IS J. LEFKOWITZ,
Attorney General,

Office And Post Office Address
1, Albany, N.Y. 12224
New York Office
CENTER, NEW YORK, N.Y. 10047

notice that the within
ed for settlement and signature
ges of the within named Court, at

of
rk, on the
19, at

Yours, etc.,
UIS J. LEFKOWITZ,
Attorney General,

For
And Post Office Address
ol, Albany, N.Y. 12224
New York Office
CENTER, NEW YORK, N.Y. 10047

74 Civ. 139
I.B.W.
Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH LUNZ, Plaintiff,
-against-
PETER PREISER, Commissioner
of the Department of
Correctional Services,
JEROME W. PATTERSON, Super-
intendent, Eastern New York
Correctional Facility,
Defendants.

NOTICE OF MOTION
AND AFFIDAVIT

LOUIS J. LEFKOWITZ,
Attorney General

Attorney for Defendants
Office And Post Office Address
Capitol, Albany, N.Y. 12224
New York Office
TWO WORLD TRADE CENTER, NEW YORK, N.Y. 10047
Tel. 488-3447

Legal service of a copy of

Day of
1975

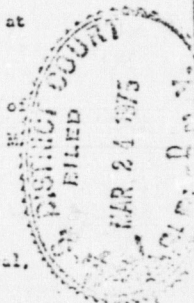
Sworn to before me this
7th Day of March, 1975
Assistant Attorney General of
the State of New York

Heard & O'Brien

Plaintiff
deposited in the within entitled action by depositing a true and correct copy thereof,
enforced in a post-paid wrapper, in a post-office box regularly maintained by the Government of the United States at
TRADE CENTER NEW YORK, N.Y. 10047 directed to said attorney at the address within the State designated by
for that purpose.

MAR 24 1975

MICROFILM



Handwritten signature and date 3/24/75

Name Mr. David L. Birch, D.A.A.B.

Street & No. Two (2) World Trade Center

City New York State N.Y.

10047
(ZIP CODE)

RECEIVED
BY
MAIL

MAR 19 1975

135 STATE STREET
AUBURN, N. Y. (13021)

DEPARTMENT OF LAW
NEW YORK CITY OFFICE

Date March 14, 1975

State of New York } ss:
County of Cayuga }

Affidavit of Service

Joseph Lenz, being duly sworn, deposes and says:

That on the 14 day of March, 1975, he placed in the hands of the undersigned Notary Public, two (2) copies of the enclosed Traverse, with instructions to forward same via first class mail, postage prepaid, as directed below:

One copy to each: Mr. Blum, Assistant Pro Se Clerk, U. S. Court House, Foley Square, New York, N.Y. 10007 - Mr. David L. Birch, D.A.A.B., Two (2) World Trade Center, New York, N.Y. 10047.

Subscribed and sworn to before me
this 14 day of March, 1975.

Elaine A. Graves

ELAINE A. GRAVES
Notary Public, State of New York
Cayuga County #1436
My Commission Expires March 30, 1975

Your truly
Joseph Lenz
Affiant

Box 618 - #65884
Auburn, N.Y. 13022

Signature of Official Notary Public.

173 cc

United States District Court
Southern District of New York

In re: Matter of Joseph Lanz,
Plaintiff,

- against -

Rt. Hon. Prison, Commissioner of the
Department of Correctional Services,
2nd Jerome W. Patterson, Superintendent
of the Eastern New York Correctional
Facility,

Defendants.

Transcript

75 Civ. 139

State of New York } ss.:
County of Cayuga }

Joseph Lanz, duly sworn under oath, deposes and says: -

He is the plaintiff in the above captioned case; that defendants motion to set aside the default judgment, dated March 7, 1975, was served on plaintiff on March 10, 1975; the instant transcript is against said motion to set aside the default judgment.

1) Plaintiff is in error for having requested a hearing on the motion for default Two (2) days too early, but surely the Court can not believe that so many attorneys have left the attorney general's office as to place so great a case on an individual attorney that a motion for an extension of time could not have been filed by another attorney.

2) Defendants state in #5 of their motion: "our procedural rules affecting prison discipline are not made retroactive out of consideration for the burden of State officials." Does the plaintiff come under Illinois v. Carter, 314 F. Supp. 447 (S.D.N.Y. 1973)?; when the plaintiff's illegal transfer was in May, 1974.

3) Plaintiff respectfully request of the Court, if the defendants motion to set aside the default judgment is granted, that plaintiff be permitted to renew the relief that plaintiff sought in the Affidavit of Civil Rights Complaint of October 23, 1974, I read as follows:

1.) A declaration that the plaintiff's transfer from the Eastern New York Correctional Facility on May 11, 1974, was in violation of the Constitution and laws of the United States, and an injunction issued directing the defendants to return the plaintiff to the Eastern New York Correctional Facility at Wapack, N.Y., for educational purposes; and to expunge from all the records concerning the plaintiff, the reason for the plaintiff's transfer from the Eastern New York Correctional Facility, on May 11, 1974, not to violate the plaintiff's rights in the future.

2.) That Section 22 (1) of the Correction Law of the State of New York be declared unconstitutional.

4.) Plaintiff also respectfully request of the Court that the preliminary relief sought in the Affidavit of Civil Rights Complaint of October 18, 1974, be granted, i.e., that the defendants be ordered to:-

b.) Return the plaintiff to the Eastern New York Correctional Facility, at Wapack, so that the plaintiff may attend the vocational plumbing school.

5.) The plaintiff's attorney general and Judge Wyatt have misunderstood the plaintiff's complaint, both believe that plaintiff was involved in a fight while at the Eastern New York Correctional Facility. There was no fight between Anthony Regiano and plaintiff, there was a verbal argument between them, nothing else, and exhibit #28 of the Affidavit of Civil Rights Complaint supports the plaintiff's claim that the plaintiff's transfer from Eastern to the Auburn Correctional Facility on May 11, 1974 was "unjustified", because any fight that is witnessed by a correctional officer involves a report.

Wherefore, it is respectfully requested that the action to set aside the plaintiff's judgment be denied, or if it be granted, that the plaintiff be permitted to amend the relief that plaintiff sought in the Affidavit of Civil Rights Complaint of October 18, 1974, and that the preliminary relief sought therein be granted.

Subscribed and sworn to before me
the 14 day of March, 1975.

Edward A. Gagne

Signature of Official Notary Public
at Auburn Correctional Facility.

EDWARD A. GAGNE
Notary Public, State of New York
Cayuga County, N.Y.
My Commission Expires March 30, 1975

Respectfully submitted,

Jorge Lamy

Att'ny, Pro Se

Box 618 - # 65884

Auburn, N.Y. 13022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of
the Department of Correctional
Services, JEROME W. PATTERSON,
Superintendent, Eastern New
York Correctional Facility,

Defendants.
-----X

:
:
: NOTICE OF APPEAL

: 74 Civ. 139
:
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S I R S :

Notice is hereby given that Peter Preiser and Jerome
W. Patterson, defendants above named, hereby appeal to the
United States Court of Appeals for the Second Circuit from the
order denying defendants' motion to open a default judgment
entered in this action on the 21st day of March, 1975.

Dated: New York, New York
March 28, 1975

Yours, etc.,

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants
By:

DAVID L. BIRCH
Deputy Assistant
Attorney General
2 World Trade Center
New York, New York 10047
Tel. (212) 438-3447

TO: MR. JOSEPH LUNZ
Box 618
Auburn Correctional Facility
Auburn, New York 13022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of
the Department of Correctional
Services, JEROME W. PATTERSON,
Superintendent, Eastern New York
Correctional Facility,

Defendants.
-----X

NOTICE OF MOTION

74 Civ. 139

I.B.W.

Pro Se

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of DAVID L. BIRCH, sworn to the 28th day of March, 1975, and all prior proceedings herein, the undersigned will move this Court before Judge Wyatt at Room 102, United States Courthouse, Foley Square, New York, New York, on the 28th day of March, 1975, at 2:30 o'clock in the afternoon or as soon thereafter as counsel can be heard for an order pursuant to Rule 62(c) of the Federal Rules of Civil Procedure and Rule 8(a) of the Federal Rules of Appellate Procedure for a stay of its order dated March 4, 1975 pending an appeal of its judgment of March 21, 1975 denying defendants' action to set aside the Court's default judgment of March 9, 1975.

Dated: New York, New York
March 28, 1975

Yours, etc.,

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants
By:

DAVID L. BIRCH
Deputy Assistant
Attorney General
2 World Trade Center
New York, New York 10047
Tel. #(212) 488-3447

TO: MR. JOSEPH LUNZ
Box 618
Auburn Correctional Facility
Auburn, New York 13022

-----X

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Athough the Court has not rendered an opinion explaining its order denying defendants' motion to set aside the default judgment and no stenographic minutes were made at the hearing at which the Court explained its decision, deponent believes that the Court rested its decision to deny the motion more on its dissatisfaction with the office of the Attorney General than on the merits of the case before the Court.

In any event, deponent believes that the default which clearly was not wilful was not sufficiently serious to deny defendants an opportunity to argue the action on the merits. Thus, deponent believes that defendants' appeal is meritorious and that a stay is necessary to prevent the case from becoming moot.

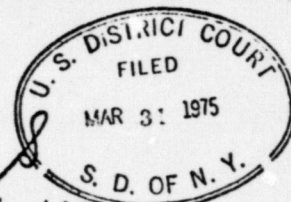
WHEREFORE, defendants respectfully request that the Court grant a stay of its order of March 4, 1975 pending an appeal.

DAVID L. BIRCH

Sworn to before me this
28th day of March, 1975

Assistant Attorney General
of the State of New York

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner of
the Department of Correctional
Services, JEROME W. PATTERSON,
Superintendent, Eastern New York
Correctional Facility,

Defendants.

75 Civ 139
NOTICE OF MOTION
I.B.W.
Pro Se

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit
of DAVID L. BIRCH, sworn to the 28th day of March, 1975, and
all prior proceedings herein, the undersigned will move this
Court before Judge Wyatt at Room 102, United States Courthouse,
Foley Square, New York, New York, on the ^{11th} ~~28th~~ day of ^{April} ~~March~~,
1975, at 2:30 o'clock in the afternoon or as soon thereafter
as counsel can be heard for an order pursuant to Rule 62(c) of
the Federal Rules of Civil Procedure and Rule 8(a) of the
Federal Rules of Appellate Procedure for a stay of its order
dated March 4, 1975 pending an appeal of its judgment of
March 21, 1975 denying defendants' action to set aside the Court's
default judgment of March 9, 1975.

Dated: New York, New York
March 28, 1975

Yours, etc.,

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants
By:

David L. Birch
DAVID L. BIRCH
Deputy Assistant
Attorney General
2 World Trade Center
New York, New York 10047
Tel. (212) 488-3447

TO: MR. JOSEPH LUNZ
Box 618
Auburn Correctional Facility
Auburn, New York 13022

Sir: Please take notice that the within is a true copy of a this day duly entered herein in the office of the Clerk of Dated, N.Y., 19

Yours, etc.,
LOUIS J. LEFKOWITZ,
Attorney General.

Attorney For
Office And Post Office Address
Capitol, Albany, N.Y. 12224
New York Office
TWO WORLD TRADE CENTER, NEW YORK, N.Y. 10047
To
Attorney for

Sir: Please take notice that the within

will be presented for settlement and signature herein to the Hon. one of the judges of the within named Court, at

in the Borough of City of New York, on the 19, at day of M.

Dated, N.Y., 19, at M.
Yours, etc.,
LOUIS J. LEFKOWITZ,
Attorney General.

Attorney For
Office And Post Office Address
Capitol, Albany, N.Y. 12224
New York Office
TWO WORLD TRADE CENTER, NEW YORK, N.Y. 10047
To
Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH LUNZ,

Plaintiff,

-against-

PETER PREISER, Commissioner
of the Department of Correc-
tional Services, JEROME W.
BENTLEY, Superintendent,
Eastern New York Correc-
tional Facility,

Defendants.

NOTICE OF MOTION
and AFFIDAVIT

LOUIS J. LEFKOWITZ,
Attorney General

Attorney for Defendants

Office And Post Office Address
Capitol, Albany, N.Y. 12224
New York Office

TWO WORLD TRADE CENTER, NEW YORK, N.Y. 10047
Tel. 483-3447
Personal service of a copy of

within

is admitted this day of

19

MICROFILM

APR 14 1975

Party in the within entitled action by depositing a true and correct copy thereof, properly
enclosed in a post-paid wrapper, in a post-office box regularly maintained by the Government of the United States at TWO WORLD
TRADE CENTER NEW YORK, N.Y. 10047 directed to said Party at the address within the State designated by

Sworn to before me this
28th day of March, 1975
David F. Paul
Assistant Attorney General of
the State of New York

Mr. Joseph Lunz
Box 618
Auburn Correctional Facility
Auburn, New York 13022

day of March, 1975, the day of the filing upon the following named persons:
State of New York, the Attorney for Defendants herein. On the 28th
employed in the office of the Attorney General of the
being duly sworn, deposes and says:
Carol Donohue

S.D.O.
APR 11 1975

United States District Court
Southern District of New York

In the Matter of Joseph Lanz,
Plaintiff,

-Against-

Pete Prater, Commissioner of the
Department of Correctional Services,
and Jerome W. Patterson, Superintendent
of the Eastern New York Correctional
Facility,
Defendants.

TO WIT:

74 Civ. 137

State of New York } ss.:
County of Cayuga }

Joseph Lanz, duly sworn under oath, deposes and says:

- 1.) That he is the plaintiff in the above captioned case; that defendants application for a stay of Judge Wyatt's order of March 4, 1975, dated March 29, 1975, was served on petitioner on March 27, 1975; the instant traverse is against defendants application for a stay.
- 2.) The defendants make the request for the stay without support, but says that they have a meritorious defense against the plaintiff's complaint without showing in the least what kind of defense they have.
- 3.) It was brought to the plaintiff's attention on March 29, 1975, by an inmate who was transferred to this facility, from the Clinton Correctional Facility on March 27, 1975, that the inmate that plaintiff had the verbal argument with, at the Eastern New York Correctional Facility, and who was the cause of the plaintiff's submitting the original Affidavit of Civil Rights Complaint on October 19, 1973 - Anthony Regina - that Regina was transferred back to the Clinton Correctional Facility in February, 1975, and that Regina only remained at the Clinton Correctional Facility, for about a week and then Regina was sent to Conson (Great Meadows Correctional Facility).

Plaintiff respectfully request that the defendants application for a stay of Your

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Honour's order of March 4, 1975, to deny it, because Your Honour's time is valuable and that if the defendants had a "meritorious defense", they should have raised it when they were ordered to, which they did not, and they did not include it in one of their other motions of March 7, 1975 and March 22, 1975.

Respectfully submitted

Joseph Lung

Plaintiff, Pro Se

Box 612-#65834

Astoria, N.Y. 13022

Subscribed and sworn to before me
this 1st day of April, 1975.

LAURA VELARDI
Notary Public, State of New York
Qualified in Cayuga County #1462
Commission Expires March 30, 1977

Signature of Official Notary Public
at Auburn Correctional Facility.

Laura Velardi

United States District Court
Southern District of New York

In The Matter of Joseph Lutz,
Plaintiff;

- Against -

Alton P. Pitzer, Commissioner of the
Department of Correctional Services,
and Jerome W. Patterson, Superintendent
of the Eastern New York Correctional
Facility,

Defendants.

Affidavit of Service

State of New York } ss.:
County of Cayuga }

Joseph Lutz, being duly sworn, deposes and says:

That on the 2nd day of April, 1977, he placed in the hands of the Acting Public of
the Auburn Correctional Facility, two (2) copies of the attached Tenzers, with instructions to
post same via first class mail, postage prepaid, as directed below:-

One (1) copy to:

Southern District Court, Pro Se Clerk
U.S. Court House - Foley Square
New York, N.Y. 10007

One (1) copy to:

Mr. David L. Birch, D.A. Attorney, General
Two (2) World Trade Center
New York, N.Y. 10047

Yours Truly

Subscribed and sworn to before me
this 2nd day of April, 1977.

LAURA VELARDI
Notary Public, State of New York
Qualified in Cayuga County #1462
Commission Expires March 30, 1977

Affiant

Box 112 - #6584

Auburn, N.Y. 13022

Signature of Official Notary Public
at Auburn Correctional Facility.

Laura Velardi

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STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

Ralph C. McMurry, being duly sworn, deposes and
says that he is employed in the office of the Attorney
General of the State of New York, attorney for defendants - appellants
herein. On the 16 day of June, 1975, he served
the annexed upon the following named person :

Paula Van Meter ESQ
Wall St
New York, NY

Attorney in the within entitled action by depositing
a true and correct copy thereof, properly enclosed in a post-
paid wrapper, in a post-office box regularly maintained by the
Government of the United States at Two World Trade Center,
New York, New York 10047, directed to said Attorney at the
address within the State designated by her for that
purpose.

Ralph C. McMurry

Sworn to before me this
16 day of June, 1975

David L. Bil
Assistant Attorney General
of the State of New York